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# **Understanding and Responding to Conflict in Africa:**

## **Crisis Response versus Conflict Resolution**

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**August 2010**

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## EXECUTIVE SUMMARY

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This project evaluates a conundrum facing those making and implementing foreign policies in the U.S. government and elsewhere, whether, in devising policies to address complex security crises, to focus on comprehensive programs that influence the fundamental drivers of conflict (root causes) or to pursue a more limited strategy that seeks to respond to the symptoms of violence. It explicitly focuses on the twin issues of when and why the policy community may take one approach over the other, and what tradeoffs the chosen strategy then creates. The project explores these issues by analyzing the dynamics in a particular subset of policies: mediation strategies employed by third party interveners in violent civil conflict. The project assesses the choices and consequences of different strategies for conflict mediation as a microcosm for debates over whether those responding to conflict should focus their efforts on addressing the fundamental drivers of conflict or the symptoms of conflict once it occurs.

The analysis aims to extract insight into the effects of different approaches to conflict resolution and intervention, with the goal of helping to inform policy decisions across the range of programs and agencies that address issues of African security. The case first analyzes the strategies adopted by third-party mediators responding to the Burundian civil war, identifying when they attempted to address root causes as opposed to seeking to halt violence and addressing the immediate symptoms of conflict. Second, the paper investigates how these strategies affected the course of the conflict and the outcomes of their mediation efforts. This paper lays out the consequences of the choices made by mediators on the process of peace negotiations in Burundi, explicitly comparing across various attempts to resolve the Burundian civil war.

The lessons of the Burundi case suggest that fundamental issues must be addressed if a conflict is to be fully resolved, rather than managed. Delaying the resolution of root causes until after peacemakers have exited the situation can enable powerful groups to avoid addressing the issues. After the peacemaking and negotiations process ends, there is less international attention and pressure, so the ability to perpetuate the status quo is enhanced. The difficulty is that the issues that fomented conflict in the first place may prove too sensitive to be introduced into negotiations when the conflict is either ongoing or very recent.

The Burundian case shows that core issues may still be addressed by subsequent processes even if they are excluded from the negotiations process. However once domestic peace processes supplant third party interventions, addressing root causes is likely to take a lot longer when the core issues are not even opened during the third-party facilitated negotiations phase. Eliminating consideration of key root causes might be necessary for peace negotiations to proceed, but this choice often delays the attainment of a fully consolidated peace settlement. In Burundi, multiple side-negotiations processes were created to deal with some of these fundamental issues. Militant groups maintained a state of war while those parallel processes were ongoing, extending the duration of the conflict.

Ultimately those crafting and implementing conflict response strategies are left with a sensitive tradeoff: including extremely sensitive core issues may prevent progress in peace talks, but excluding those issues and focusing on process and conflict management creates a peace process with significant defects. There may be no right or wrong approach; it may just be a matter of which tradeoff is the necessary one to eventually get to a peaceful outcome. These defects may be addressed through follow-on negotiations, which prevent them from completely derailing the peace process. The tradeoff may prolong some aspects of the conflict, though if not addressed at all, in the worst cases excluding root causes could eventually lead to remilitarization as groups attempt to resolve the fundamental problems.

The analysis suggests that policy responses to conflict that focus on the short-term requirements for conflict cessation will merely contain a conflict rather than truly settle it. If the fundamental issues that drive conflict are left unresolved, then in the longer term conflict is likely to break out repeatedly. The U.S. foreign policy community should therefore have an appreciation for the fact that true conflict resolution requires a broad-based approach that integrates various instruments of foreign policy in order to addresses both the drivers and consequences of conflict. What these instruments are (economic policy, social engineering, political assistance, military assistance, etc) will be dictated by the context of the particular conflict that is being addressed by the external actors. If such an approach is beyond the means or scope of policy implementing agencies, then they should be prepared to remain in a crisis response mode, responding to the effects of violent episodes once they occur.

This suggests concrete policy approaches in which different tiers of conflict can be best addressed by specific actors. In the short term, strategies would focus on crisis response:

intervention and/or diplomatic engagement to stop fighting and propel negotiations processes; demobilization to disarm and repatriate combatants; and humanitarian assistance to displaced populations. In the longer term, policies shift to longer term projects that attempt to proactively reduce factors that underlie many conflicts, such as economic inequalities, poverty, and corrupt or closed political systems. These programs therefore focus on economic support packages to aid reconstruction and address structural imbalances, reduce the insecurities and persecutions that created population displacement, and political advisors to assist in political and institution building.

## ACRONYMS

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ABASA - Alliance Burundo-Africaine pour le Salut (Burundi-African Salvation Alliance)	Founded in 1993 (pro-Tutsi).
AV-INTWARI - Alliance des Vaillants	Founded in 1993 (pro-Tutsi).
CNDD – FDD: Conseil National Pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie (National Council for the Defense of Democracy - Forces for the Defense of Democracy)	Hutu rebel movement, currently a political party.
CNDD : Conseil National Pour la Défense de la Démocratie (National Council for the Defense of Democracy)	Hutu rebel movement, separate from CNDD-FDD.
FAB: Forces Armees du Burundi (Armed Forces of Burundi, Burundi Army)	Tutsi-dominated until 2000 (or so).
FDN – Forces de la Défense Nationale (National Defense Forces)	National Defense Force created after 2004.
FNL: Forces Nationales de Libération (National Forces of Liberation)	Hutu political party, the renamed Palipehutu-FNL after 2009
Frodebu: Front pour la Démocratie au Burundi, FRODEBU (Front for Democracy in Burundi)	Hutu political party.
FROLINA : <i>Front de Libération Nationale</i> (Front for National Liberation)	Hutu rebel movement (small), sometimes political party.
INKIZO “Le Bouclier”	Formed in 1993 (pro-Tutsi).
JNR/JRR – Jeunesse Revolutionnaire National / Jeunesse Revolutionnaire Rwigasore (National Revolutionary Youth / Rwigasore Revolutionary Youth)	Student wing of UPRONA, occasional militia (heavily involved in 1972 genocide), at times political party (most recent dispensation).
JVMM – Joint Verification and Monitoring Mission	Created September 2006 to monitor and enforce the ceasefire agreement with Palipehutu-FNL.
ONUB- Operation des nations Unies au Burundi (United Nations Operation in Burundi)	Operated 2004 – 2006, replaced with civilian mission in 2006.
PALIPEHUTU - FNL: Parti pour la Libération du Peuple Hutu - Forces Nationales de Libération (Party for the Liberation of the Hutu People - National Forces of Liberation)	Hutu rebel movement; formed in Tanzanian refugee camp.
Parena - Parti pour le Redressement National (Party for National Reconciliation)	Formed in 1995 led by former president Jean-Baptiste Bagaza (pro-Tutsi).
PDC - Parti démocratique chrétien (Christian Democratic Party)	Batare-clan political party formed in the independence

	era.
PIT - Parti Independent des Travailleurs (Independent Workers' Party)	Formed in 1993 (pro-Tutsi).
PL – Parti Líberal (Liberal Party)	Formed in 1992 (pro-Tutsi).
PRP - Parti pour la reconciliation du peuple (Party for the Reconciliation of the People)	Monarchist party, formed in 1992 (pro-Tutsi).
PSD - Parti Social-Democrate (Social Democratic Party)	Formed in 1993 (pro-Tutsi).
RPB – Rassemblement pour le Peuple du Burundais (Burundian People's Assembly)	Est. 1992 (pro-Hutu).
Uprona: Union pour le Progrès national (Union for National Progress)	Tutsi, former ruling party (1965 – 1993).

## **TIMELINE<sup>1</sup>**

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- 1300s** - Hutu people settle in the region.
- 1400s** - Tutsi settlers establish themselves as feudal rulers.
- 1890** - The Tutsi kingdom of Urundi (Burundi) and Ruanda (Rwanda) incorporated into German East Africa.
- 1916** - Belgians occupy the area.
- 1923** - Belgium granted League of Nations mandate to administer Ruanda-Urundi.
- 1959** - Influx of Tutsi refugees from Rwanda following the Hutu Revolution/Social Revolution.

### **Independence**

- 1962** - Urundi is separated from Ruanda-Urundi, becomes Burundi and is given independence as a monarchy under King Mwambutsa IV.
- 1963** - Thousands of Hutus flee to Rwanda following ethnic violence.
- 1965** - King Mwambutsa refuses to appoint a Hutu prime minister even though Hutus win a majority in parliamentary elections; attempted coup by Hutu police led by Michel Micombero brutally suppressed.
- 1966** - July - Mwambutsa deposed by his son, Ntare V.
- 1966** - November - Micombero stages a second coup, this time successfully, and declares himself president.

### **Overthrow of monarchy**

- 1972** - Some 150,000 Hutus are massacred after Ntare V is killed, supposedly by Hutus. Refugee flows (Hutu) to Tanzania and Zaire.
- 1976** - Micombero is deposed in a military coup and is replaced by Jean-Baptiste Bagaza as president.
- 1981** - A new constitution makes Burundi a one-party state.
- 1987** - President Bagaza is deposed in a coup led by Pierre Buyoya.
- 1988** - Thousands of Hutus are massacred by Tutsis and thousands more flee to Rwanda.

### **Transition Period**

- 1992** - New constitution providing for a multiparty system is adopted in a referendum.
- 1993** - June - Frodebu wins multi-party polls, ending military rule and leading to the installation of a pro-Hutu government.
- 1993** - October - Tutsi soldiers assassinate Ndadaye. In revenge, some Frodebu members massacre Tutsis and the army begins reprisals. Burundi is plunged into an ethnic conflict which claims some 300,000 lives.
- 1994** - Parliament appoints Cyprien Ntaryamira - a Hutu - as president; Ntaryamira and his Rwandan counterpart are killed when the plane carrying them is shot down over the Rwandan capital; more ethnic violence and refugees fleeing to Rwanda; parliament speaker Sylvestre Ntibantunganya appointed president.
- 1995** - Massacre of Hutu refugees leads to renewed ethnic violence in the capital, Bujumbura.
- 1996** - Pierre Buyoya stages a second coup, deposing Ntibantunganya and suspending the constitution.

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<sup>1</sup> Adapted from the BBC (<http://news.bbc.co.uk/2/hi/africa/1068991.stm>, accessed April 15, 2010).

### **Buyoya sworn in**

- 1998** - Buyoya and parliament agree on a transitional constitution under which Buyoya is formally sworn in as president.
- 1999** - Talks between warring factions held under the auspices of former Tanzanian President Julius Nyerere.
- 2000** - Government and three Tutsi groups sign a ceasefire accord, but two main Hutu groups refuse to join.
- 2001** - January - President Buyoya agrees to ceasefire talks with leader of main ethnic Hutu rebel group, Forces for Defence of Democracy (FDD).
- 2001** - April - Coup attempt fails.
- 2001** - July - Defence minister says authorities have put down an attempted coup.

### **Transitional government**

- 2001** - October - Talks brokered by Nelson Mandela lead to installation of transitional government under which Hutu and Tutsi leaders will share power. Main Hutu rebel groups refuse to sign ceasefire and fighting intensifies.
- 2001** - 25 December - Army says it killed more than 500 rebels in operation against opposition stronghold near Bujumbura.
- 2002** - January - Jean Minani, leader of main Hutu party Frodebu, elected president of transitional national assembly set up to bridge ethnic divide.
- 2002** - July - Upsurge in fighting delays planned peace talks; army says more than Hutu 200 rebels have been killed in clashes.
- 2002** - December - Government and main Hutu rebel group FDD sign a ceasefire at talks in Tanzania, but fighting breaks out a month later.
- 2003** - 30 April - Domitien Ndayizeye - a Hutu - succeeds Pierre Buyoya as president, under terms of three-year, power-sharing transitional government inaugurated in 2001.
- 2003** - July - Major rebel assault on Bujumbura. Some 300 rebels and 15 government soldiers are killed. Thousands flee their homes.
- 2003** - November - President Ndayizeye and FDD leader Pierre Nkurunziza sign agreement to end civil war at summit of African leaders in Tanzania. Smaller Hutu rebel group, Forces for National Liberation (FNL), remains active.
- 2004** - June - UN force takes over peacekeeping duties from African Union troops. Hutu rebels kill 160 Congolese Tutsi refugees at a camp near the DR Congo border. Burundian Hutu rebel group, the FNL, claims responsibility.
- 2004** - December - UN and government begin to disarm and demobilize thousands of soldiers and former rebels.
- 2005** - January - President signs law to set up new national army, incorporating government forces and all but one Hutu rebel group, the FNL.
- 2005** - March - Voters back power-sharing constitution.

### **FDD/Nkurunziza Government**

- 2005** - August - Pierre Nkurunziza, from the Hutu FDD group, is elected as president by the two houses of parliament. The FDD won parliamentary elections in June.
- 2005** - September - Remaining active rebel group, the FNL, rejects government offer of peace talks.

- 2006** - August - Former President Domitien Ndayizeye is accused of involvement in an alleged coup plot. Along with four of his co-accused, he is acquitted by the Supreme Court in January 2007.
- 2006** - September - The last active rebel group, the Forces for National Liberation (FNL), and the government sign a ceasefire at talks in Tanzania.
- 2006** - December - The increasingly authoritarian government risks triggering unrest and eroding the gains of peace, warns the International Crisis Group think tank.
- 2007** - February - UN shuts down its peacekeeping mission and refocuses its operations on helping with reconstruction.
- 2007** - April - DRCongo, Rwanda and Burundi relaunch the regional economic bloc - Great Lakes Countries Economic Community - known under its French acronym CEPGL.

### **Peace process stalls**

- 2007** - July - Senior FNL figures quit the truce monitoring team for the second time in a few months, sparking fears of renewed bloodshed.
- 2007** - September - Rival FNL factions clash in Bujumbura, killing 20 fighters and sending residents fleeing. Rebel raids are also reported in the north-west of the country.
- 2007** - December - Burundian soldiers join African Union peacekeepers in Somalia.
- 2008** - April - Former head of governing party, Hussein Radjabu, is sentenced to 13 years in prison for undermining state security. Radjabu was accused of plotting armed rebellion and insulting President Nkurunziza.

### **Peace agreement**

- 2008** - April-May - Renewed fighting between government forces and FNL rebels leaves at least 100 people dead.
- 2008** - May - Government and FNL rebels sign ceasefire. FNL leader Agathon Rwasa returns home from exile in Tanzania.
- 2009** - March - The Paris club of creditor nations cancels all of the \$134.3m debt Burundi owed to its members.
- 2009** - April - Ex-rebel Godefroid Niyombare becomes first ever Hutu chief of general staff of the army.
- 2009** - April - Burundi's last rebel group, the Forces for National Liberation (FNL), lays down arms and officially transforms into a political party in a ceremony supervised by the African Union.
- 2009** - September - Several Burundian troops are killed in a suicide blast while on a peacekeeping mission in Somalia.
- 2009** - November - Agathon Rwasa to stand as ex-rebel FNL candidate in the June 2010 presidential election.
- 2010** - January - Thirteen soldiers are arrested for allegedly plotting a coup to overthrow President Nkurunziza.
- 2010** - June – Elections scheduled for national legislature and provincial legislatures; executive branch.

## INTRODUCTION<sup>2</sup>

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In October 2008, the Advanced Systems and Concepts Office of the Defense Threat Reduction Agency (DTRA-ASCO) convened a workshop to assess several major categories of current and emerging security issues in Africa. The participants were presented with three sets of security issues and asked to discuss (1) the state of knowledge about the security issues, (2) how the different types of security issues relate to one another, and (3) alternative policy options for addressing the problems over the long-term. In the group focusing on regional and internal conflict, the participants fundamentally disagreed about whether policy responses to threats stemming from violent conflict should focus on micro-foundations and root causes of the conflicts, or the complex crises that decision-makers actually face when attempting to end a conflict and deal with its immediate after-effects (such as displaced persons, humanitarian issues, disarmament and demobilization, and the proliferation of armed movements).

Those arguing the former position felt that any attempt to respond to and potentially resolve a conflict would fail if it did not address the “real” issues underlying the conflict. Not dealing with fundamental causes would be akin to treating only the symptoms of a disease: the damage could be managed, but never truly eradicated. The other camp argued that third-party interveners and international policy community could only feasibly address the highest tier of conflict that presents itself at the time the intervention occurs, such as responding to refugee flows, addressing humanitarian needs, and seeking to obtain ceasefires and demobilize militant groups. This group argued that because the root causes of conflicts in many parts of Africa are deeply political and economic issues that require a long-term developmental approach, most actors in the international community would not be able to address them when responding to an ongoing crisis. The foreign policy community, they argued, have to deal with the situation as it stands when they become involved, which means seeking to end the violent phase of a conflict, helping to manage refugees and the internally displaced, and providing humanitarian assistance.<sup>3</sup>

The argument at the workshop was not merely academic. It underscores a larger debate that surfaces in multiple interactions between the foreign policy community and regional experts,

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<sup>2</sup> I would like to thank Terrence Lyons and Gilbert Khadiagala for their constructive and helpful comments on an earlier draft of this paper. All opinions in this work are my own and do not represent official positions of the Department of Defense or United States Government.

<sup>3</sup> Jennifer Perry, Jessica Piombo and Jennifer Borchard, *African Security Challenges: Now and Over the Horizon Workshop Report* (report number ASCO 2009 – 001), January 2009.

also evident in the virulent reaction from the American academic community to the creation of the United States Africa Command (USAFRICOM) in 2007. Critics of USAFRICOM felt that creating the command inappropriately militarized U.S. foreign policy towards Africa and would not help the fundamental economic, social and political problems that drive much of the conflict on the continent. While acknowledging the deep economic and political challenges that undermine stability in Africa, others felt that there still was a contribution to be made in the military realm, which would work in concert with other aspects of foreign policy. The “whole of government” approach would enable different instruments of the American foreign policy community to work together to create a more stable, secure and prosperous Africa. In this vision, military assistance becomes one aspect of an integrated approach.

USAFRICOM struggled in its first years to decide how it should best assist in Africa’s stabilization. As military planners began to develop plans for USAFRICOM engagement in specific countries, and as they learned more and more about the continent’s history and how conflicts in African countries begin and perpetuate, they soon realized that the causes of conflicts were deeply rooted in problematic political and economic systems. Planners understood that a conflict may have been rooted in economic inequalities generated over two hundred years of skewed policies and corrupt governance, but the tools that they could employ to assist the country did not include developmental assistance. Most of the programs that USAFRICOM planners can utilize are of a type that seeks to strengthen a country’s security apparatus so that it can respond to insurgencies on its own. They understood the deeper causes of security threats, but could only respond to the symptoms.<sup>4</sup>

USAFRICOM’s dilemma is shared by many external actors who are tasked with responding to violent conflict. What should be the goals of external intervention: to resolve the fundamental issues driving conflict, or to help stabilize the situation in the short term, with the goal of enabling domestic processes to sort out the deeper drivers of unrest? A potential way to capture the predicament would be to ask if and when external actors should undertake a program of conflict settlement or conflict management. A settlement strategy would seek the full resolution of the conflict, including the root causes, while a management strategy is a second-best option that considers true resolution unattainable, and which therefore seeks to contain and

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<sup>4</sup> Discussions with USAFRICOM country team planners in the Strategy, Plans and Programs Directorate, Stuttgart, Germany (April, June and November 2008).

mitigate the effects of the conflict.<sup>5</sup> This dynamic does not quite capture the debate, however. The concept of conflict management implies that the tensions are still high, but sustainably processed to prevent violence. The dilemma confronting USAFRICOM is more about whether to focus on the “surface level” of conflict, i.e. the immediate effects of ongoing violence and conditions to attain and enforce a ceasefire, or to address the deep causes that motivated the conflict in the first place.

Another way to capture the distinction is between a short-term, crisis-response approach and a long-term, conflict resolution approach. Thinking in terms of crisis response versus conflict resolution captures the dilemma faced by the policy formulation and implementation communities: respond in the short term and address the most pressing effects of conflict (and then exit the situation); or seek to use the mediation effort as a process to open up the fundamental issues that prevent full resolution of the violence. The short-term approach seeks to terminate the conflicts and deal with immediate effects; the long-term perspective pursues broad-based peacebuilding and societal reconciliation.<sup>6</sup>

This project represents a preliminary investigation of these questions by examining one case in depth: third-party efforts to resolve the Burundian civil war of the 1990s. This war, which began at the end of 1993 and continued in various phases through 2009, has undergone multiple rounds of negotiations facilitated by international actors. Throughout the study, the analysis asks why did various actors take different positions regarding crisis-response or conflict resolution during substantive negotiations, what influences the choice of one strategy over another, and what are the different outcomes of the choices made? The analysis focuses on the issues raised during substantive negotiations, rather than the whole range of strategies and mechanisms utilized to advance the overall peace process.<sup>7</sup> In each of these rounds of negotiations, lead facilitators selected a different set of issues to include in the negotiations processes. Some negotiators focused on establishing preconditions and agenda setting, others on signing

<sup>5</sup> Stefan Wolff, “Managing and Settling Ethnic Conflicts,” in *Managing and Settling Ethnic Conflicts: Perspectives on Successes and Failures in Europe, Africa and Asia*, ed. Ulrich Schneckener and Stefan Wolff, (New York: Palgrave Macmillan, 2004).

<sup>6</sup> The seminal work in this approach is John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, DC: USIP Press, 1998).

<sup>7</sup> Because the research question focuses on the issues brought into negotiations, the paper does not assess interventions of a purely military nature, those that worked on creating a regional framework to deal with the broader effects of the war, or the role of sanctions in getting parties to the negotiating table. These are all important aspects to understanding the Burundian case in its entirety, but are less pertinent to the debate about which substantive issues are or are not included in negotiations.

ceasefires and setting up transitional processes, and still others attempted – though they often failed – to bring fundamental issues into the realm of the negotiations that they facilitated. There were efforts from various actors based in the United States, Europe, the United Nations, and several African-led mediation efforts.

The entire cycle of conflict and negotiation in Burundi can serve as a case study to analyze the effects of focusing on different levels and types of issues. Due to the wide range of negotiation strategies and actors, the Burundi case contains significant internal variation that allows comparison across different negotiations periods. These comparisons will enable the project to assess the outcomes of different strategies of negotiations. Additionally, compared to other African conflicts where over time a resource logic warped a struggle that began over political issues, the Burundian conflict remained tied to its roots throughout its evolution. The core issues fomenting conflict in 1993 were much the same as those generating tensions and massacres in 1965, 1972, 1988 and 1991. That the Burundians were not able to resolve the issues points to the fact that they are not “easy” issues to resolve, but the stability of the issues allows an analysis of the complex process of peace negotiations that does not have to trace ever-changing motivations for the actors. A similar exercise for the war in the Democratic Republic of Congo would have been much more complex, as the armed factions multiplied every time an armed group realized that there were substantial material gains to be made from the war enterprise in that mineral-rich country. The Burundi case therefore presents a stylized conflict, which simplifies the issues for analysis.

Throughout this paper, the concepts used to capture the contrasting approaches will focus on process versus content and on the nature of the issues brought into the substantive negotiations. When negotiations strategies are analyzed for focusing on process versus content, the discussion refers to whether there were any substantive issues at all raised in the negotiations (content) or whether they focused more on procedures to bring parties together, establish the framework for talks, or set the agenda for more substantive discussions (process). When analyzing substantive negotiations, the analysis then focuses on which issues are put on the table. The phrase “crisis-response strategies” refers to short-term perspectives that raise issues pertaining to conflict termination and ending violence (securing the negative peace), as well as with dealing with the immediate effects of conflict. The concept of “conflict-resolution strategies,” in contrast, will be applied when negotiators incorporate discussions of root causes

and fundamental drivers of conflict in the context of the peace talks that they mediate. The phrases root causes and fundamental drivers are used interchangeably in the paper. There could be a range of alternate ways to conceptualize this particular set of choices facing mediators seeking to end complex, violent conflicts,<sup>8</sup> but for our purposes this distinction seems to help a study of negotiations processes as a microcosm to study larger policy debates about responding to root causes versus complex emergencies (symptoms of those deeper causes).

## **PEACEMAKING PROCESSES**

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This policy-focused debate also surfaces in the academic literature on peacemaking. Scholars have debated whether, why and how peacemakers should focus on root causes or complex emergencies; and they have attempted to analyze the consequences of different strategies of negotiations. In the literature on the place and role of negotiations and peace agreements in ending civil wars, much attention has focused on when negotiations for peace begin and debates over what makes for success and failure in the peace process.<sup>9</sup> Debates on the success and failure of negotiated settlements have revolved around several themes: the timing of negotiations, the negotiations process, the nature of the peace agreement, the presence – or creation – of spoilers during the peace process, and the implementation of peace accords.<sup>10</sup> The issues motivating this project find most resonance in two of these: the nature and process of the negotiations and the nature of the peace agreement.

### **Nature of the Peace Negotiations**

One fundamental challenge facing negotiators during the process of a negotiation or mediation effort is the dual issue of whether peace talks should address the root causes of a conflict or to

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<sup>8</sup> Some of these alternative conceptualizations include negative versus positive peace, sequencing, conflict resolution as a blueprint versus flexible process, and nested peacebuilding. I am indebted to Terrence Lyons for drawing out these distinctions.

<sup>9</sup> Though this project is concerned with the ways that choices shape outcomes, rather than a simple success/failure dichotomy, most of the literature discusses outcomes in terms of success and failure. I am intentionally not measuring “success” or “failure” of the negotiations in order to enable a more nuanced analysis of the effects of negotiations strategies. Peace negotiations are an iterative process and each one has a different goal, in this context simply measuring “success” or “failure” is both vague and inappropriate.

<sup>10</sup> For a few overviews of this literature, see Adrian Guelke, “Negotiations and Peace Processes,” in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, eds. John Darby and Roger MacGinty (New York and London: Palgrave MacMillan, 2003); John Paul Lederach, “Cultivating Peace: A Practitioner’s View of Deadly Conflict and Negotiation,” in *Contemporary Peacemaking*; Timothy Sisk, “Peacemaking in Civil Wars: Obstacles, Options and Opportunities,” in *Managing and Settling Ethnic Conflicts: Perspectives on Successes and Failures in Europe, Africa and Asia*, ed. Ulrich Schneckener and Stefan Wolff (New York: Palgrave Macmillan, 2004).

simply attempt to facilitate a ceasefire, help deal with the worst humanitarian issues, and allow domestic parties to manage their fundamental differences after the fighting ends. Often this dynamic is viewed in either-or terms, though many experienced negotiators would argue that both need to be considered simultaneously. Including root causes into conflict-termination negotiations is often not easy, however. For example, international actors may not be positioned to address certain types of fundamental causes of conflict in the short-term; they may not understand the sources of the conflict or consider them too complex to be incorporated into peace negotiations; and/or the international actors may consider halting the conflict and addressing humanitarian considerations the top priority and only aspect appropriate for their involvement.

At other times, certain parties to the conflict may not be willing to allow discussion of certain fundamental issues; when this is the case, if those parties are still strong at the point of negotiations, they can prevent fundamental issues from being placed on the agenda. This case is typical of a situation like that found in South Africa and in Burundi, where multiple rounds of “talks about talks” were necessary to set the acceptable agenda for substantive peace negotiations. When setting the agenda for the Dayton discussions that ended the Bosnian war, international actors had to promise Bosnian and Serbian principals that the Kosovo issue would not be considered; without this promise, the Serbian leaders would not have even attended the talks.<sup>11</sup> Years later, the fact that Kosovo was not included was considered a major flaw of the Dayton Accords, but it was a tradeoff that was necessary to end one phase of the war.

Experienced mediators argue that both aspects have to be addressed: the crises that finally motivated intervention and/or third-party mediation, and the fundamental causes motivating the conflict.

Adding to the burden of peacemaking, the mediator has to focus both on the deep-rooted causes of the conflict and on the crises that arise. The causes may be structural (e.g. the absence of strong institutions of governance); political (e.g. authoritarianism and discrimination); historical (e.g. the colonial demarcation of borders and divide-and-rule policies); and socioeconomic (e.g. deprivation and underdevelopment). In Rwanda, Burundi, the DRC, Darfur and southern Sudan,

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<sup>11</sup> Author's conversations with several American principals; identities withheld. (Crystal City, Arlington, February 2007).

these causes were present simultaneously. The deep-rooted problems are extremely hard to solve. Where countries in conflict have weak institutions of governance, the government might be unable to provide credible negotiators who can deliver on their promises, it might lack control over its security forces and it might be unable to implement the agreements it signs.

It seems painfully obvious that deep-rooted conflict cannot be solved quickly or easily. Nevertheless, mediators and donor governments frequently make the mistake of seeking a quick fix. They have honourable intentions, wanting to stop the destruction and suffering and to provide safe space for humanitarian operations and reconstruction, but they underestimate the complexity of the conflict, overestimate their powers of persuasion and ignore the psychopolitical dynamics of violence. Flouting the imperative that the parties and their constituencies must own the settlement, they push hard for rapid results. This approach can be distinctly counter-productive.<sup>12</sup>

Here, South African conflict resolution specialist Laurie Nathan identifies a core duality in the peacemaking process. There is a fundamental contradiction between the desire for short term solutions that would enable the international community to quickly extradite itself from a situation, and the long term, deeper structural issues that have to be addressed in order to prevent conflict from re-occurring. The desire to end suffering quickly does not necessarily fit the need to tackle deeper issues motivating the conflict. When a negotiation process is facilitated by third-party actors interested in stabilizing the situation by securing a negative peace they may therefore focus on the immediate drivers and effects of conflict and intentionally avoid opening up consideration of the deeper issues underlying the situation.

Regardless of the motivation, the result is that there is a choice in negotiations strategies: facilitators can focus on process, on getting participants in the talks to agree on a few basic principles and establish procedures for solving their differences once the mediation is over. This is analogous to the *crisis response* strategy discussed previously: mediators attempt to halt and contain conflict in the short term (otherwise known as the negative peace). Alternatively, third-

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<sup>12</sup> Laurie Nathan, “The Challenges Facing Mediation in Africa.” AFRICA Mediators’ Retreat 2009 – The Oslo Forum Network of Mediators. <http://innovationfair.spigit.com/Core/Download/?docid=235> (accessed April 10, 2010).

party negotiators can attempt to get participants to delve into the issues that underlie the conflict while they are present and able to help mediate between the parties. This *conflict resolution* strategy would aim to create a condition of positive peace by pursuing a process that is more likely to uncover root causes.

### **Nature of the Peace Agreement**

What the final text of peace accords include has also been found to be a decisive element in how the agreements shape future developments, and is obviously connected to whether negotiations focused on process or root causes. There is a great deal of evidence that even if difficult to raise during the negotiations phase, the exclusion of root causes from peace talks and negotiations can derail a peace process at multiple points in the cycle. For example, flawed peace accords prevented the attainment of a peaceful settlement to Tajikistan's civil war of the mid-1990s. The peace accords focused only on ending the violent phase of the conflict and creating a semblance of stability, and therefore they did not address underlying causes. By making this tradeoff, the agreements merely created a temporary cessation of conflicts, leaving the fundamental grievances that motivated the combatants in the first place unresolved. In this case, conflict resumed soon after the peace agreements had been reached.<sup>13</sup> Additionally the negotiations process excluded several key players, so that the resultant peace agreement institutionalized regional inequalities that had initially incited the conflict. Deep rooted issues, ignored by the peace accords, continued to drive the parties apart and perpetuated the conditions that caused the conflict in the first place, to the point of fostering new conflicts. Similar anecdotes can be told about a number of conflicts that have been resolved through third-party mediation.

Therefore like those in the U.S. foreign policy community, scholars have debated whether negotiated peace agreements should address root causes of the conflict or to halt the fighting and create a space in which the political actors could work out the fundamental issues, through some sort of formal process that the peace agreement created (often through a transitional government that would decide the new rules of the game).<sup>14</sup> Is it too difficult to tackle the basic problems that created conflict during the negotiation process, and better to focus ending violent conflict? Or, would this strategy merely push resolution of the key problems to a

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<sup>13</sup> Kathleen Collins, "Tajikistan: Bad Peace Agreements and Prolonged Civil Conflict," in *From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict* (Boulder, CO and London: Lynne Rienner Publishers, 2003), 269.

<sup>14</sup> Timothy Sisk, "Peacemaking in Civil Wars."

phase where internal forces would dominate and international attention would be less focused, thus only postponing a difficult process to a point where the local power holders would dominate? Were peace agreements more likely to fail because of power politics or because they failed to address root causes?<sup>15</sup>

There are additional long-term consequences to the process versus content approach to peace negotiations. There are practical reasons why peace settlements may focus on conflict termination rather than root causes. One strategy to increase participation in negotiations processes is to exclude certain issues from the negotiations. When certain issues are too sensitive to include in a negotiations process, even after multiple rounds of agenda-setting meetings, peace talks will often settle for focusing on rules and processes for conflict termination. The resultant peace agreement most often establishes certain core principles and aims to set up a domestic/transitional government that would then be responsible to process the grievances that caused conflict in the first place.

This strategic choice could extend conflict in several ways. First, the exclusion of certain key issues could alienate those parties who are most driven by them, compelling these parties to remain outside the negotiations processes. Postponing consideration of root causes also means that the most difficult issues will be sorted through by the agents invested in the peace process and the new government. While this promotes ownership, the potential downside is that the subsequent government is likely to conduct this business outside the lens of international attention. At this stage, renegeing on commitments to discuss and address the root causes is more likely, which could cause conflict to re-emerge. Not only does the absence of international attention make renegeing on it more feasible, but it might subject the entire discussion to a credible commitment problem. The weaker parties may not trust the transitional regime, which often is dominated by factions that were strong at the end of the conflict, which could then cause a security dilemma. Not all the groups will trust the stronger parties to openly discuss the real issues motivating a conflict, and this lack of trust could move them back to pre-emptive fighting before they weaken further.<sup>16</sup>

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<sup>15</sup> Adrian Guelke, “Negotiations and Peace Processes.”

<sup>16</sup> The security dilemma dynamic arises between rival ethnic groups when the state is no longer a neutral arbiter or has weakened to the point where it fails to mediate the relationships between ethnic groups. In this situation, a group that considers itself under imminent threat of attack is likely to preemptively strike to protect itself. See David A. Lake and Donald Rothchild, “Containing Fear: The Origins and Management of Ethnic Conflict,” *International Security* 21 (2) (Autumn 1996): 41 – 75.

After peace negotiations are completed and the implementation phase has begun, more problems may arise. Guelke argues that negotiated settlements may derail not only because of what is allowed into discussion, but also due to power dynamics that arise during implementation.<sup>17</sup> He finds that settlements that do not rest on a normative foundation separate from the power politics of the conflict are unlikely to prove durable. Therefore, avoiding consideration of the root causes that fomented conflict in the first place can often lead a peace process to break down.

The content of peace talks connect with another theme in the peacemaking literature, that of spoilers. Spoilers are groups that threaten a peace process through the resumption of violence, and are typically thought to arise when groups are excluded from the process or when groups that are losing power within the negotiations process resort to violence to increase their bargaining position.<sup>18</sup> Spoilers can also be created as a byproduct of the content of the negotiations themselves, as groups who are dissatisfied with the format or content of the talks use violence to try to push their issues onto the agenda. Groups often walk out on negotiations over these issues, or they may splinter into factions; either of these outcomes can create problems and are byproducts of the nature of the negotiations process. Similarly, a group that does not feel a cause is legitimate, and that a militant group should not receive consideration of their position just because they have the ability to create violence, could protest the inclusion of certain issues. These considerations compel analysis to focus attention not just on issues of content versus process, but also to consider which issues are put onto the negotiation table: power politics and concerns that exist at the point the negotiations are initiated or the basic root causes that caused conflict in the first place.

## BURUNDI'S CONFLICTS

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The case of the Burundian civil war of the 1990s provides a lens through which to examine the dynamics just discussed. Burundi has experienced cycles of intense violence since achieving independence in 1962, a seemingly endless number of coups and attempted coups, and one major

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<sup>17</sup> Guelke, "Negotiations and Peace Processes," p. 53.

<sup>18</sup> Typically, spoilers are thought to arise from two aspects of the peace process: groups left outside of the negotiations process (outside spoilers) and those who find they are losing power within the talks (inside spoilers). For outside spoilers, the prospect for peace may threaten their very existence, and so they will oppose any peace process. Inside spoilers tend to arise during the implementation phase, as a group that comes to distrust that others will keep their promises come to face a commitment problem. See Marie-Joelle Zahar, "Reframing the Spoiler Debate in Peace Processes," in *Contemporary Peacemaking*.

civil war between 1993 and 2009, when the last significant rebel group ceased hostilities and began to transition into a political party (it had signed a ceasefire in 2006).<sup>19</sup> International actors attempted to bring an end to the latest manifestation of violence within a month of its initiation, and they remained engaged throughout the conflict. Various parties to the conflict have signed multiple peace accords and ceasefire agreements during this time. At the conclusion of a four-year transitional government, the Fourth Republic came into existence in 2005. Elections for the national legislature and president are scheduled for mid-2010.

The issues underlying this cycle of conflict in Burundi are rooted in the country's history and the political manipulation of traditional authority and ethnic relations. Similar issues spurred violence in 1965, 1972, 1988, 1991 and 1993-2009. In each of these periods, violence was triggered by an attempt to change the social composition of the ruling group, with attacks generating retaliatory counter-attacks that escalated violence and further altered the character of the government and security forces. Over time, a fluid political system where clan and regional rivalries dominated politics evolved into a stable system of ethnic domination, with a small Tutsi elite in control of an authoritarian political system buttressed by an ethnically-exclusive, repressive security apparatus. As a result of three decades of conflict, certain issues became almost non-negotiable to the power elite, yet were such fundamental issues for the opposition that in order for the conflict cycles to be terminated, the issues had to be addressed. Therefore explaining the root causes of the 1993 civil war requires a presentation of significant events and dynamics in Burundi's history.

Burundi's conflict is most often described as an ethnic clash between Hutu and Tutsi. Like the northern neighbor Rwanda, Hutu constitute approximately 85 percent of the population, Tutsi 14 percent, and Twa one percent.<sup>20</sup> Unlike Rwanda, where Hutu were in power since 1959, the minority Tutsi were able to seize and retain control of the Burundian government throughout most of the country's independence. The ethnic overtones of the conflict hide the significant

<sup>19</sup> Some would provide dates of 1994 to 2005 for the war; this would represent the time that the CNDD-FDD and Palipehutu-FNL initiated large-scale resistance to a power-sharing government and when the subsequent Transitional Government of Burundi ceased operating and handed power to an elected government. I am using 1993 – 2009 because this round of conflict began as inter-ethnic massacres in 1993, and 2009 was when the last rebel group actually began to disarm and demobilize.

<sup>20</sup> CIA World Factbook: Burundi. <https://www.cia.gov/library/publications/the-world-factbook/geos/by.html> (accessed April 5, 2010). Filip Reyntjens notes that no census has been taken in Burundi since independence, and that the convention is to use an approximation of the ethnic balance: 85/15, Hutu/Tutsi. Reyntjens, "The Proof of the Pudding is in the Eating: the June 1993 Elections in Burundi." *The Journal of Modern African Studies* 31, no. 4 (1993): 563-583, 563.

within-group divisions, which are regional, clan-based and political.<sup>21</sup> These divisions have propelled much of the conflict in Burundi, with ethnic groups mobilized to pursue political agendas. Over time, however, the politically-motivated conflicts have generated deep social cleavages in the country, with high levels of distrust between the Hutu and Tutsi peasants in the rural areas.

Burundi, like Rwanda, is a small country, roughly the size of Belgium or Texas. Both countries are the two most densely populated territories in all of Africa, which means that unlike other African countries, virtually every scrap of arable land is populated and utilized. Land ownership and use rights create powerful pressures in each of these small countries. The landscapes are dominated by rolling hills that organize the social and economic life of the predominantly rural and agrarian populations. Burundian society was hierarchically organized under the Kingdom of Urundi before the arrival of Europeans in the late 1800s. Traditional authority was exercised by the king (*mwami*) surrounded by a royal court composed of princely families, the *ganwa*. Until the arrival of Europeans in the late 1800s, the *mwami* presided of a system of chiefs and sub-chiefs where leaders were selected through a lineage system, and most *mwami* were Tutsi. Most of the *ganwa* were also Tutsi, as were the elite class within Urundi, though there were also Hutu chiefs in the southwest parts of the country. Before colonial rule changed the dynamics between these groups, Hutu and Tutsi functioned as class signifiers (richer, cattle and land owners were considered Tutsi, while poorer, agrarian and manual laborers were Hutu). With wealth, a family could change its “ethnic” signifier, and the *ganwa* ruled both Hutu and Tutsi.

In 1890 the Ruanda-Urundi territory was incorporated into German East Africa, bringing Burundi (Urundi) and Rwanda (Ruanda) into the orbit of European colonialism for the first time. The Belgians took control of the area in 1916, and subsequently were granted a League of Nations mandate to administer Ruanda-Urundi. The Belgians implemented a policy of indirect rule in which they selected certain Tutsi *ganwa* families to populate colonial administrative structures. This set off a cycle where *ganwa* from different regions of the country competed for privileged positions within colonial structures, and where the Belgians would attempt to meddle in the succession lines of *ganwa* in order to secure the selection of *mwami* deemed suitable to

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<sup>21</sup> Rene Lemarchand, *Burundi: Ethnic Conflict and Genocide* (New York: Woodrow Wilson Center Press and Cambridge University Press, 1996 [1994]); Filip Reyntjens, “Briefing Burundi: A Peaceful Transition After a Decade of War?” *African Affairs* 105, no. 418 (December 2005): 117-135.

Belgian interests. In this process Belgian rule advantaged two particular clan groups, the Batare and Bezi clans, providing them with a disproportionate number of chiefdoms throughout the country.<sup>22</sup> The competition between Batare and Bezi was later reproduced in the first political parties, the Union pour le Progrès National (Union for National Progress, Uprona) and the Parti Démocratique Chrétien (Christian Democratic Party, PDC). The Belgians also eliminated all of the Hutu chiefdoms through administrative centralization and reorganization programs, placing Hutu peasants completely under Tutsi control. At the same time, the Belgians developed and implemented a system of racial classification that firmly divided Hutu and Tutsi, and which advantaged the Tutsi group economically, socially and politically. The Hutu were denied educational opportunities and transformed into a lower-caste group of manual laborers.<sup>23</sup>

### **Politicizing Ethnicity: Laying Foundations for Future Conflicts**

As independence drew near, elites in both Ruanda and Urundi began to position themselves for the post-colonial dispensation.<sup>24</sup> Both countries had similar social composition and economic profiles, and both experienced colonial administrations that had privileged a minority group and positioned it to assume leadership in the independence era. But according to the principles of majoritarian democracy, the Tutsi group would never be able to retain this position without subverting the democratic systems that the Belgians were planning to create. Hutu in Ruanda organized earlier than those in Urundi, and by 1957 had issued a manifesto that called for them to exercise the power that their numbers should grant. Two years later, the Hutu in Ruanda staged a “social revolution,” (also called the Hutu Revolution and Rwandan Revolution), in which they seized power from the Tutsi, creating an exodus of Tutsi refugees that flowed into Urundi, Zaire and Tanzania.

In Urundi, nascent political parties were built on the princely rivalries that had been manipulated during Belgian rule. Uprona and the PDC, initially identified with the Bezi and Batare *ganwa* families, respectively, attempted to control the chieftaincies and the new state that

<sup>22</sup> Lemarchand, *Burundi: Ethnic Conflict and Genocide*, 38 – 41.

<sup>23</sup> For the most comprehensive account of this process, see Jean Pierre Chrétien, *The Great Lakes of Africa: Two Thousand Years of History* (translated by Scott Strauss) (Zone Press, distributed by MIT Press, 2003); and for Burundi specifically, Lemarchand, *Burundi: Ethnic Conflict and Genocide*. For the political implications of this process in Rwanda, see Peter Uvin, “Prejudice, Crisis and Genocide in Rwanda,” *African Studies Review* 40 (2) (September 1997): 91-115.

<sup>24</sup> This text uses the colonial names for Rwanda (Ruanda) and Burundi (Urundi) during the colonial era, and Rwanda and Burundi after independence in each country.

was emerging between 1959 and 1962. Bezi and Batare hail from different regions of the country, lending a regional overtone to the competition as well: those from Muramvya as opposed to those from Bururi province. The events to the north, however, and the influx of (rabidly anti-Hutu) Tutsi refugees, made Tutsi in Burundi fearful that the dispossessed Hutu would rise up and attempt a similar revolution at home. Uprona and the PDC therefore, while dominated by the Tutsi *ganwa*, included Hutu representatives in the rank and file, and even some leadership positions.

Soon after independence in 1962, leadership struggles within Uprona began to group the party into Hutu and Tutsi factions, and from this point, political struggles manipulated ethnic divisions into enduring political cleavages capable of producing violent conflict. The early factions within Uprona aligned with an emerging divide between those supportive and those opposed to the monarchy's continued involvement in Burundian politics. At independence Burundi utilized a parliamentary system, headed by the *mwami*, who appointed the prime minister. Uprona swept the pre-independence elections, but when party leader and Prime Minister-designate, Prince Luis Rwagasore, was killed by a PDC-sponsored assassin in October 1961, the party lost a unifying figure with strong nationalist credentials. Rwagasore's death triggered a crisis of authority and leadership struggle within Uprona, which further undermined and factionalized the party. Tutsi elements of the power elite began to lose confidence in Uprona's ability to resist a demonstration effect of the 1959 Rwandan revolution, further separating Hutu and Tutsi camps. The monarchy attempted to play a balancing role, trying to ensure relative parity between political, lineage and ethnic groupings, but the governments were unstable.<sup>25</sup> By 1965 the state was already on its fourth government.

In January 1965 a Hutu prime minister was assassinated just one week after taking office, setting off a political crisis that eventually led to the reorganization of the state and the military. Legislative elections in May 1965 had affirmed Uprona's position as the ruling party and Hutu candidates swept the polls, but King Mwambutsa appointed a Tutsi *ganwa* as Prime Minister. In October, a faction of the Hutu-dominated national police (gendarmerie) unsuccessfully attempted to overthrow the government, and elements of the gendarmerie massacred Tutsis in some parts of the country. Captain Michel Micombero rallied Tutsi elites and military officers to repel the coup, and afterwards engaged in a swift and brutal retaliation for the attempted coup. They

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<sup>25</sup> Reyntjens, "Burundi: Prospects for Peace," 7.

arrested and/or executed Hutu political leaders, purged Hutu officers from the Forces Armees du Burundi (FAB, Armed Forces of Burundi, Burundi Army), and massacred Hutu peasants throughout the country. Thousands of Hutu refugees left for Rwanda, Tanzania and Zaire.<sup>26</sup>

A year later, Micombero staged his own coup and overthrew the monarchy.<sup>27</sup> Micombero proclaimed himself the President of the First Republic and ruled Burundi for the next 10 years. During this time, the Tutsi elite consolidated Burundi's power structures under Tutsi control and intensified ethnic power rivalries as a result. They systematically eliminated Hutu from government (national, provincial and local), "Tutsified" the officer and enlisted corps of the military, and "Bururified" the officer corps – not only did they alter the ethnic composition, but also culled most officers who were not Tutsi from Bururi province. Government reorganization in 1969 further consolidated Tutsi control and subsequently established Uprona as the de jure single party, while abolishing parliament and establishing the National Revolutionary Council as the main government structure.

This coup and retaliation set a dynamic that would be followed in the wake of every subsequent effort by Hutu to seize political power. Hutu periodically attempted to overthrow the Tutsi government in 1972, 1988 and 1991, and each time the cycle repeated: a Hutu insurgency or coup attempt would inflict initial casualties on Tutsi, followed by large-scale retaliation against Hutu. In the wake of each retaliation, Tutsi increased their hold on power, institutionalizing minority rule a bit more each time, creating a more ethnically homogenous military in the wake of each purge. The 1972 killings were initiated by an organized Hutu resistance and the subsequent nationwide massacres of Hutu were waged by the army, gendarmerie and a Tutsi student organization, and the Jeunesse Revolutionnaire National (JNR, National Revolutionary Youth, later called the JRR, Rwagasore Revolutionary Youth). These killings have been called the 1972 Hutu genocide, and caused one of the most significant exoduses of refugees into neighboring countries. In contrast the 1988 conflict was more spontaneous and the violence limited to two northern areas, Ntega and Maranga. This outbreak of violence occurred following a series of incidents which had increased local Hutu frustrations

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<sup>26</sup> Lemarchand's *Burundi: Ethnic Conflict and Genocide* is one of the most comprehensive accounts of this entire historical period; Reyntjens' "Burundi: Prospects for Peace," the most concise.

<sup>27</sup> Micombero ruled from 1966 to 1976; he was then overthrown by Lt. Col. Jean Baptise Bagaza. Bagaza further institutionalized Tutsi hegemony and ruled until 1987, when Major Pierre Buyoya staged a bloodless coup that successfully unseated Bagaza. Both Buyoya and Bagaza are Hima Tutsi, one of the traditional ruling groups within Tutsi. Following the 1988 Hutu uprising and massacres, Buyoya came under intense international pressure and initiated a transitional process designed to liberalize Burundi's government and economy.

about ever achieving economic or political improvement. Tutsi local government officials had harassed Hutu businessmen, and local Uprona candidate selection processes had excluded all Hutu candidates in the months preceding the violence. The actual Hutu against Tutsi violence was triggered when the arrival of certain Tutsi politicians sparked rumors that “another 1972” was about to happen. Hutu youth spontaneously retaliated and killed any Tutsi in sight (late June 1988), and then themselves were brutally repressed by the army under Buyoya’s command (July – August). In 1991, militants of a Hutu organization, Parti pour la Libération du Peuple Hutu (Palipehutu, Party for the Liberation of the Hutu People) that had formed in the Tanzanian refugee camps attacked Tutsi, in turn sparking retaliatory killings of Hutu. In Tutsi collective memory, this incident stokes fears about the genocide that they think would inevitably happen to them should the Hutu come to power.<sup>28</sup>

### ***Root Causes of Burundi’s Conflicts***

Despite the differences in the violence and triggers for each episode, the underlying causes and the repercussions not only were the same, they also increased in intensity with each conflict cycle. Each of these factors later became one of the root causes of the civil war: Hutu political oppression and the increasing institutionalization of Tutsi hegemony; a repressive and ethnically exclusive military that operated to protect the interests of the power elite; and the increasing economic and educational inequalities between Hutu and Tutsi. The early conflicts were never fully resolved, and the ways that the power elite settled the violence in each period exacerbated the fundamental causes that underlined the next round of violence.

Of all these root causes, the most fundamental was that over time the government, military and gendarmerie became almost entirely Tutsi. Following each incident the government purged Hutu from government and security structures, increasing the minority domination of the majority. Each successive coup and government reorganization consolidated power under the head of state, creating every more autocratic and powerful executives. As a result of these changes the security structures lost all independence and were turned into agents dedicated to upholding the Tutsi ethnocracy. Burundi experts refer to this as the “Tutsification” of the military. The military also assumed an almost entirely inward-focus during these cycles, working with the national police to ensure internal security.

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<sup>28</sup> For specifics, see the conflict cycle tables in appendix one of this report.

Once the corporate identity of the military evolved into being the protector of the Tutsi oligarchy, the composition and mission of the military became, in and of itself, a cause for future conflict. Military structure, composition and mission later emerged as one of the core issues that kept the two largest rebel groups fighting long after the rest had signed peace accords. On their side, any attempt to liberalize the polity and/or instill some degree of ethnic parity in the military became threatening to the military's identity and core mission. This was especially evident in the 1991 conflict cycle. In 1989, after just one year of political liberalization, ultra-conservative elements in the military had attempted to overthrow their own Tutsi president, Buyoya, in order to halt political reforms. This faction was aligned with a former ruler, Jean Baptiste Bagaza, and when the Palipehutu-assisted Hutu uprising began in 1991, Buyoya took the opportunity to purge this element of the military as well.

Finally, each cycle of violence eliminated more Hutu politicians and educated people from the Burundian population in general, who were lost either to assassinations/executions or to refugee flows. Additionally, changes to the educational system ensured that only Tutsi would gain sufficient education to enter the civil service, so that over time most of the lucrative government jobs were held by Tutsi. Once the educated Hutu were either killed or driven into exile, and those that remained were subjected to educational restrictions under Bagaza's 11-year rule (1976-1987), the Hutu population within the country became increasingly under-educated and qualified, in comparison to the Tutsi. Lucrative, well-paying skilled and government jobs increasingly went to Tutsi, creating an ever-widening gap between the communities. Government patronage networks excluded Hutu, further enriching Tutsi and widening the gap between the two groups. While the Hutu therefore sought to advance their socioeconomic status, and considered this a rightful redress for decades of skewed policies, Tutsi were threatened by this quest.

Because the root causes were made worse in the wake of each conflict cycle, rather than addressed in a constructive way, over the course of this 30 year conflict cycle the Hutu radicalized and came to see violent resistance as the only way to achieve power. Multiple movements formed in exile, the largest of which was Palipehutu, which generated and then merged with an armed wing, the Forces Nationales de Libération (National Forces of Liberation, FNL), creating Palipehutu-FNL. The repeated cycle of violence created a collective memory within the Hutu population, both those within Burundi and the refugees abroad, cultivating an

ever-present fear of another holocaust.<sup>29</sup> In this situation the government became increasingly illegitimate in the eyes of the Hutu, the military functioned as the guardians and enforcers of the Tutsi ethnocracy, and the Hutu came to believe that there was no way to gain any political power other than through armed insurrection. For Tutsi at both elite and mass levels, any attempt to liberalize or accommodate Hutu demands for political, economic or social power would inevitably threaten the Tutsi as a group; therefore the Tutsi became increasingly wedded to upholding the system that was exacerbating the root causes of Hutu unrest.

In this situation where the root causes of conflict were never addressed – and could never be addressed without fundamentally altering the structure of government, military and society - Hutu increasingly came to understand that they would never share power peacefully. Therefore each cycle of violence increased the perceptions of injustice increased felt by the Hutu, both those who remained in the country and those in exile. With each wave of violence, the exile community increased in numbers and radicalization. On the other side, the Tutsi allied their interests with control of the state more and more, and came to fear the almost inevitable backlash that would occur if the Hutu ever earned any genuine power. For the Tutsi, therefore, their sense of an impending catastrophe increased with every challenge to Tutsi dominance. Thus in the wake of each cycle of conflict, each of these dynamics grew more extreme, creating a feedback loop that intensified the effects of the core grievances. At the end of each cycle of conflict the core issues were not resolved: though “peace” returned and killings ended, each episode ended the violence through more repression.

### **Triggers of the Civil War**

Against this background, the Buyoya regime (1987 – 1993) initiated and completed a political transition that culminated in the Hutu party Front pour la Démocratie au Burundi (Frodebu, Front for Democracy in Burundi) sweeping provincial and national elections in June 1993.<sup>30</sup> Frodebu leader Melchior Ndadaye was sworn in as the President in July, and formed a cabinet with significant Tutsi representation. The government attempted power sharing in political appointments and civil service positions, and had plans to institute “ethnic parity” in the military as well. Shortly after the new government began to function, however, a faction of the Burundian

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<sup>29</sup> Lemarchand, *Burundi: Ethnic Conflict and Genocide*, 106.

<sup>30</sup> For a comprehensive evaluation of these elections (in English), see Reyntjens, “The Proof of the Pudding is in the Eating.”

army assassinated the new President and senior Frodebu leaders during a coup attempt in October 1993. Hutu and Tutsi both engaged in reciprocal attacks, with a death toll that quickly reached into the thousands. The coup itself collapsed after two days and the Chief of Staff of the Army ordered the military back to the barracks, though Uprona and other parties that had lost in the elections supported the *putsch* and opposed the international peacekeeping force that the government had requested.<sup>31</sup> These events triggered significant unrest throughout the country and the start of the civil war as more groups joined the fighting on each side. Despite repeated efforts at power sharing and another political transition to a civilian government in 2005, the fighting did not completely end until January 2009.

The underlying causes of this war built on the foundations laid since 1965. Prompted by pressures from the international community in the wake of the 1988 massacres, and realizing that there would be no end to conflict if things did not change, then-President Buyoya initiated a transition to a new political dispensation. Essentially, the rapid unfolding of the transition between 1988 and 1993 threatened Tutsi elites and masses, many of whom supported the coup in October 1993. The rapid pace of reforms threatened Tutsi interests, which feared retaliation and repression if the Hutu government were allowed to truly govern. Yet because multiparty politics had been opened, when the coup-makers unseated the government, there were Hutu political organizations operating within the country. These parties maintained links to communities of Hutu spread throughout the region, especially those who were radicalized and in the refugee communities, which were capable of mounting armed resistance. This time, therefore, the parties could organize, mobilize, and launch a large-scale resistance to military suppression.

#### ***Roots of the Crisis: The Transition Period, 1988- 1993***

Following the conflict in June – August 1998, Buyoya had inaugurated a “National Commission to Study the Question of National Unity,” and incorporated Hutu into governing structures. The Commission published a report that led to sweeping changes, the promulgation of a new constitution, and plans to transition to an elected civilian government. According to Burundi scholar Filip Reyntjens, genuine change had occurred by the middle of this period: Hutu were brought into government at all levels, provided with better educational opportunities, and incorporated into the civil service.

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<sup>31</sup> Ibid.

Assessing the situation beyond declarations, texts, and reports, the progress made between late 1988 and early 1991 was obvious. At the political level, many Hutu entered the apparatus of the state: half the number of ministers, a sizeable number of provincial governors and mayors, and even the secretary-general of the single party Union pour le progrès national (Uprona) at the end of 1990 were Hutu. Furthermore, they were equally represented with Tutsi in all major state bodies of a political nature. A marked improvement likewise occurred in two of three key areas where discrimination against the Hutu had been highly visible in the past. The first is education, where the by-and-large fair organisation of national examinations since 1989 has resulted in a considerable increase in the number of Hutu having access to secondary and higher education. The second is the civil service, whose higher echelons in particular used to be a near monopoly of Tutsi. Here again, progress is clear: not only did recruitment procedures become more transparent, but the Government took a number of quite voluntarist measures aimed at recruiting Hutu into responsible positions, sometimes even at the expense of incumbent Tutsi.<sup>32</sup>

The problem was that this rapid transition created a security dilemma for the Tutsi, felt most acutely by those in elite positions within the government and military. Tutsi social, economic and political elites found the pace of the changes too drastic. This especially surfaced in the areas of land reform, civil service and the military.<sup>33</sup> Tutsi feared losing civil service appointments to the hordes of Hutu that they anticipated would return from abroad, while reforms to address economic inequality and land reform threatened to return land to Hutu who had lost their possessions in the wake of the 1972 genocide. There would be an inevitable shift in the distribution of national resources as the government incorporated more Hutu. The Tutsi acknowledged that these shifts had to occur, but the pace at which they were happening was too abrupt. The situation worsened towards the end of the five-year transitional period, when the pace of refugee returns increased following the Tanzanian government's decision to force

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<sup>32</sup>Ibid., p. 564-5.

<sup>33</sup> Daniel Sullivan, "The Missing Pillars: A Look at the Failure of Peace in Burundi through the Lens of Arend Lijphart's Theory of Consociational Democracy," *The Journal of Modern African Studies* 43, no. 1 (March 2005): 75-96.

refugees to repatriate to Burundi or to become Tanzanian citizens. This caused further pressures on the already overburdened carrying capacity of agricultural land and government services.

Tutsi masses also feared that pursuing ethnic parity in the military would remove the only guarantor of their physical security, as they regarded the military their only protection from violent domination by the Hutu majority. “The Tutsi fear was that if control of the army were given to the Hutu, or even if a move were made in that direction, it would result in the ‘Rwanda syndrome,’ referring to the targeting and marginalization of Tutsi by Hutu in Rwanda after they gained power in 1959.”<sup>34</sup> Across the Tutsi, from elite to the masses, a very strong collective fear of the future had manifested. Once Frodebu won over 80% of the seats in the National Assembly, the Presidency, and control of almost all regional governments, the future of the Tutsi in Burundi would have seemed very tenuous.<sup>35</sup>

Ndadaye’s plans to implement significant structural change in the composition of the officer and enlisted ranks of the military also generated significant backlash.

Entirely under the command of Tutsi officers, most of them from Bururi [a region within Burundi historically associated with internal power rivalries within the Tutsi community], and with only a fraction of Hutu among the troops, the army serves as the lynchpin of Tutsi hegemony...Given the extreme brutality displayed by the troops in 1988 and 1991, the Burundi army is obviously the institution least likely to tolerate a significant shift in the military and political power to the Hutu.<sup>36</sup>

In 1988, the military had already been factionalized along clan and regional lines, and had allied itself completely with the defense of the Tutsi ideology. Military elites resisted the transition and launched unsuccessful coup attempts in February 1989 and March 1992, demonstrating that “Buyoya’s message of reconciliation was meeting considerable resistance in penetrating the military establishment.”<sup>37</sup> When the new President unveiled plans to restructure the military and reorient its focus (towards external, rather than internal activities), this served to trigger an intervention by certain elements in the military.

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<sup>34</sup> Sullivan, “The Missing Pillars,” 86.

<sup>35</sup> This is despite the reality that Ndadaye’s cabinet over-represented Tutsi, allocating them over one-third of the seats, and that the Prime Minister was Tutsi as well. See Reyntjens, “The Proof is in the Eating,” 579.

<sup>36</sup> Lemarchand, *Burundi: Ethnic Conflict and Genocide*, 168.

<sup>37</sup> Reyntjens, “Burundi: Prospects for Peace,” 8.

On the other side of the fence, the coup attempt further demonstrated to those involved in the Hutu uprising that the system would never change unless several fundamental issues were addressed. The core demands of the Hutu uprising in the fall of 1993 were therefore that Burundi – or the international community – disband the Tutsi army, rebuild a national army, and that an international military force deploy to end the ethnic clashes around the country. Politically, these groups wanted a restoration of the 1992 constitution and the government that had been elected in June 1993. Finally, they desired to promote Hutu political participation, address resource scarcity, and de-militarize society.<sup>38</sup>

Some have argued that on top of all these dynamics the 1993 elections were held too soon and forced upon the Burundians by international negotiators.<sup>39</sup> As a result, when Frodebu polled so well, despite government attempts to prevent the party from fully campaigning, neither side was ready to accept defeat; the situation could only have led to bloodshed.

### **Post-Transition: Failed Power Sharing and Launch of Full-Scale Insurgency**

After the assassination of Frodebu leaders, the Organization of African Unity (OAU) sent in a stabilization force and the United Nations led a mediation effort between Frodebu and Uprona. UN Secretary General Boutros Boutros-Ghali appointed Ahmedou Ould-Abdallah as the Special Representative to the Secretary General (SRSG) in charge of the mediation efforts. Ould-Abdallah brokered an agreement between Uprona and Frodebu, creating a power-sharing government called the “Convention of Government” (September 10, 1994).<sup>40</sup> Rather than restoring Frodebu to power, however, the Convention of Government created a system that shared power equally between the Tutsi (Uprona) and Hutu (Frodebu) parties, a compromise with which many Hutu both in government and outside, were not happy. In June 1994, Frodebu split into moderate and hard-line factions: respectively Frodebu and the Conseil National Pour la Défense de la Démocratie (CNDD, National Council for the Defense of Democracy). Led by former Minister of the Interior Léonard Nyangoma the CNDD broke away from Frodebu when it agreed to allow the abrogation of the 1992 constitution and on the principle of power sharing with Uprona. The CNDD opposed this level of cooperation with Uprona, all participation in the

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<sup>38</sup> Khadiagalia, “Burundi.”

<sup>39</sup> Jan Van Eck, “Challenges to a Durable Peace in Burundi,” ISS Situation Report (Pretoria, South Africa: Institute for Security Studies, April 2004).

<sup>40</sup> For his account of the process, see Ahmedou Ould-Abdallah. *Burundi on the Brink: A UN Special Envoy Reflects on Preventive Diplomacy* (Washington, DC: United States Institute of Peace Press, 2000).

Convention government, and committed itself to winning back power through violent means. The CNDD soon merged with its armed wing, forming the CNDD-FDD (Conseil National Pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie; National Council for the Defense of Democracy - Forces for the Defense of Democracy).<sup>41</sup>

The CNDD and Palipehutu-FNL both opposed the power sharing government and became the two largest militant groups opposed to the aborted coup of 1993. There were multiple, smaller, rebel groups that had formed in exile or which had militarized after the elections were overturned. Collectively, these groups did not agree with the basis of the mediated government, and felt that the Hutu had once again been deprived of their rightful place in Burundian politics. That Uprona had gained a role in government despite losing at the polls, and that the military was still vested in protecting Tutsi power, meant that nothing had changed.

Between September 1994 and July 1996, the Convention government attempted to rule the country in the face of this ongoing insurgency, while the Burundian Army (FAB) waged war against the rebel movements. By 1996 the situation had deteriorated and the government was unable to stabilize the territory. In that year, Buyoya initiated another coup, overthrowing the Convention government and returning the country to military rule. Fighting continued to rage, sending refugees back into neighboring countries and destabilizing the entire region.

## **MEDIATING THE BURUNDIAN CONFLICT**

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Since the fighting began in 1993, Burundi has gone through over five separate negotiations periods.

1. 1993 – 1995, UN mediated talks under SRSG Ould-Abdallah; an initiative to mediate between Frodebu and Uprona to resolve the crisis that began in 1993.
2. Fall 1995 – 1996, Carter Center Diplomatic Initiative; an effort to create a regional framework to facilitate negotiations for peace and to prevent the spread of war to neighboring countries. This model relied on elder statesmen from Africa, supported by the United States based Carter Center.

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<sup>41</sup> Rene Lemarchand, “Burundi’s Endangered Transition,” FAST Country Risk Profile. SwissPeace Working Paper No. 5 (Bonn, Switzerland: SwissPeace Foundation, October 2006). The CNDD-FDD itself spawned numerous factions in the following years, but under Nkurunziza’s leadership became the most powerful of the Hutu rebel forces.

3. 1996 – 2000, First Phase of the Regional Framework Arusha Talks (the Arusha Talks), facilitated by Julius Nyerere and then Nelson Mandela; regionally-sponsored talks to mediate the conflict and bring about peace in the wake of the 1996 coup.
4. 2000 – 2003, Second Phase of the Arusha Talks - South African led talks separate from but officially under the Arusha framework; ceasefire negotiations with Hutu rebels, primarily the CNDD-FDD.
5. 2003 – 2006, South African led talks separate from but officially under the Arusha framework; ceasefire negotiations with Palipehutu-FNL.

This section will discuss the nature of these different rounds of negotiations, focusing on the strategies of the lead facilitator, the content of the talks, and any agreements that resulted from the talks. Within this section, each series of talks will be analyzed, but most attention will be paid to the Arusha framework talks, as this was the most comprehensive and enduring of the processes, and culminated in the primary peace accord, the Arusha Peace and Reconciliation Agreement for Burundi (the Arusha Accord). While culminating in the agreement that established a transitional government and led to the installation of a permanent government in 2005, the Arusha process had significant flaws. First of all, Arusha began talks without a ceasefire, which enabled rebel groups to utilize violence as a negotiating tactic. Neither of the two principal rebel groups were involved in the process and neither signed the Arusha Accord. While the signing of the Arusha Accord was a necessary first step, the exclusive process created a need for separate negotiations with the main rebel groups. Second, and more important for this project, the Arusha framework focused on process over content, leaving the main questions about the design of the future government and military to the transitional regime that was selected in 2001.

The negotiations for ceasefire with the CNDD-FDD and Palipehutu-FNL varied in certain critical respects on this very point: the ceasefire agreement reached with the CNDD-FDD in 2003 provided detailed provisions for how the group's members would be incorporated into the government and the military and for the demobilization of CNDD-FDD fighters. This addressed certain root causes that had kept the CNDD-FDD out of the Arusha talks and addressed concrete concerns about the composition and role/function of these bodies. As a result the inclusion of the CNDD-FDD into the ongoing transition process was relatively smooth and culminated with the CNDD-FDD winning control of the government in 2005. When Palipehutu-

FNL finally signed a ceasefire, however, it was unable to obtain concrete provisions regarding how the organization would be incorporated into the government and military structures. South African negotiators promised Palipehutu-FNL that their core issues would be addressed in subsequent talks; a process that the Burundian government reneged upon. Therefore, while Palipehutu initially signed a ceasefire agreement with the Government of Burundi in 2006, it did not stop fighting until January 2009.

### **UN Mediation Efforts Under SRSG Ahmedou Ould-Abdallah, November 1993 – September 2005**

After Ndadaye's assassination in October 1993, the United Nations quickly moved to mediate between Frodebu and Uprona. These negotiations aimed to arrive at a short-term solution to the political impasse and end the clashes that had sprung up around the country. The effort had four goals: to restore democratic institutions, facilitate dialogue between Uprona and Frodebu, to establish a commission of inquiry into the coup and the massacres, and to work with the OAU intervention force. SRSG Ould-Abdallah was chosen as an eminent African whose country (Mauritania) was not involved in the larger regional dynamic, and who therefore should have been viewed as an impartial mediator.

The UN mediation took place in two separate rounds, November 1993 – January 1994 and then the summer – fall 1994. The initial period led to the drafting of a power sharing agreement in January 1994, which aimed to attain an elite-bargain between Frodebu and Uprona. The agreement broke down and fighting resumed in March 1994, after which negotiations were suspended. Ould-Abdallah was able to restart the dialogue the following summer, when the discussions focused on creating a new power sharing agreement. In neither of these periods did the participants discuss substantive issues; the focus was on establishing a provisional government that would share power between Hutu and Tutsi (Frodebu and Uprona). This provisional government would then be tasked with overseeing a return to a permanent civilian government.

In September 1994, Frodebu and Uprona finally agreed on a power sharing formula and agreed to suspend the 1992 constitution. The Convention government would be responsible for drafting a new constitution and to initiate public debate on peaceful coexistence (this provision was meant to deal with the “national unity” question, Burundian code for the Hutu-Tutsi

conflict).<sup>42</sup> The Convention of Government provided near-parity in power sharing: 55% of government posts were assigned to Hutu and 45% to Tutsi. Ould-Abdallah's negotiation team had deemed this the formula that would most likely restore some stability to Burundi, as it would ensure the buy-in of the Tutsi elite. Unfortunately, the over-representation of Tutsi further inflamed the Hutu rebel parties and many refused to support the Convention. They also opposed the abrogation of the 1992 constitution.

The governing coalition soon proved unstable, and the opposition to the Convention agreement raised questions about the usefulness of the UN mediation efforts. Boutros-Ghali appointed a second envoy to the Great Lakes region to serve as mediator, indicating that the UN similarly had doubts about Ould-Abdallah's mediation focus. In September 1995 Ould-Abdallah resigned, claiming that he was not given the tools necessary to conduct his job and therefore could not continue as the lead negotiator. In reality, he had never been able to marginalize extremists in the discussions, which he had identified as one of his main goals.<sup>43</sup> In the wake of the collapse of the UN efforts, violence escalated throughout 1995.

The UN mediation focused primarily on restoring stability rather than addressing the issues that prompted the October 1993 coup. By focusing on process and the establishment of a new transitional government the mediation appeased the Tutsi, but failed to address any of the core concerns of the Hutu. Many Hutu saw the Convention government as conceding to the demands of Tutsi who had resisted transferring power to a majoritarian government. The resistance saw nothing wrong with the 1992 constitution, and did not see why it should have been overturned. There was no discussion or provision for an international military monitoring force, which left the Burundian army with the ability to continue to attack Hutu civilians. In the minds of the resistance the Convention government allowed the coup to succeed through international mediation, and threatened to prolong the unfair system of rule had fomented conflict since 1965.

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<sup>42</sup> Throughout this and the Arusha negotiations, the Burundian elite showed great reluctance to openly discuss Hutu-Tutsi rivalries. Many focused instead on the “unity” of the Barundi, claiming that the rest was politically motivated. While there is great truth in the political origins of ethnic animosity in Burundi, by this point in time ethnic hatred had deeply entrenched itself in the mind of ordinary Burundians and needed to be discussed. There had been repeated calls to openly discuss the “national unity” question in the wake of many of the earlier ethnic clashes (see Lemarchand, *Burundi: Ethnic Conflict and Genocide*.)

<sup>43</sup> Khadiagalia, “Burundi,” 223.

### **Carter Center Diplomatic Initiative, 1995-1996**

The Carter Center Diplomatic Initiative was not quite a peace mediation per se, as it did not attempt to bring Frodebu, Uprona, the Burundian military and smaller militarized groups together to negotiate an end to the crisis. Rather, the Carter Center initiative worked with regional actors to establish a framework that in turn could facilitate negotiations for peace and help prevent the spread of war to neighboring countries. The model utilized involved a core of advisors from the Carter Center, based in Atlanta, Georgia, who recruited and worked with a group of eminent elder statesmen from around Africa: Ahmoud Toure from Mali, the Archbishop Desmond Tutu from South Africa; and Julius Nyerere of Tanzania. The discussions were not specifically about the conflict itself, but about how the region could and should respond to put pressure on the combatants and deal with the regional destabilization caused by the refugee exodus and arms trafficking.<sup>44</sup>

The initiative took place in two meetings, the Cairo Summit (November 1995) and the Tunis Summit (March 1996). Each meeting was facilitated by the Carter Center, Toure, Tutu and Nyerere, and discussed the situations in both Rwanda and Burundi.<sup>45</sup> Attendees at both summits included the Burundian Government (the Convention government), and representatives from Rwanda, Uganda and Tanzania. In Cairo, the participants focused on creating a regional consultative framework for conflict resolution, and focused discussion on pertinent regional issues: refugee repatriation, cross border raids by the FAB and insurgents, and arms trafficking by militia groups in refugee camps Tanzania and Zaire. At the second meeting, the participants discussed the situation in Burundi in particular, articulating the need for a debate on a democratic constitution, national reconciliation, and reforms to the security forces. At the end of the Tunis meeting, the Burundian delegation pledged to end insecurity in the country and consented to Nyerere's appointment as the lead for a subsequent regional effort to mediate the conflict. This established the framework for the Arusha talks, which took place over the next two years. It also established a stable framework for regional governments to coordinate their actions with respect to the Burundi conflict, which later proved effective in coordinating regional sanctions against Burundi.

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<sup>44</sup> Khadiagalia, "Burundi."

<sup>45</sup> Carter Center News, "Regional Initiative Launched to Tackle Great Lakes Crisis." December 2, 1996. "<http://www.cartercenter.org/news/documents/doc197.html> (accessed April 10, 2010).

### **Regional Framework Arusha Talks, 1996 – 2000**

The real process of peace negotiations began with the regional initiative to bring the warring parties together under the rubric of the Arusha Talks. The formal multi-party talks took place primarily between 1996 and 2000, first facilitated by Julius Nyerere and then former South African President Nelson Mandela (following Nyerere's death from illness in October 1999). The formal peace accords were signed in September 2000, without a ceasefire agreement and without the participation of the two main rebel groups at that time, the CNDD-FDD and Palipehutu-FNL. These peace accords focused on laying out principles for the creation of peace in Burundi and on establishing the structures for a transitional government that would oversee the writing of a new constitution and the creation of a permanent, civilian government. As such, the peace negotiations focused on basic principles and processes, rather than consideration of the deeper issues motivating the crises. The foundational issues were brought in at the later stages of the talks, but were not the centerpiece of the talks, as the negotiations did not aim to solve the problems in the framework of the talks; but to create a subsequent government that would address the issues.

The talks proceeded in fits and starts, and in the first two years made little progress.<sup>46</sup> From the first meetings in March 1996 through the April 1997 meeting, the dialogue focused solely on preliminaries: establishing dialogue with the parties, followed by talks to set the agenda, then discussions on technical issues to stabilize Burundi and reduce fighting. Most of these talks broke down without any concrete progress or resolutions, at times because the main parties (Frodebu and Uprona) could not agree on which other parties to the conflict should be included in the talks, and at other times because regional dynamics derailed the negotiations process (such as the initiation of the war in Zaire in July 1996), and finally because by mid-1997, relations between the Burundian and Tanzanian government soured the entire negotiations framework.<sup>47</sup>

The first round of talks, in March – April 1996, involved the mediation team, Frodebu and Uprona. The aim of this session was to engage the two principals in talks about talks, mainly to get them working with one another. However, these talks quickly collapsed because of the ongoing fighting between the Hutu militia groups and the Burundian army. FRODEBU refused

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<sup>46</sup> See the table in appendix two for the detailed breakdown of each round of talks, the parties involved in that round, the issues discussed, and outcomes.

<sup>47</sup> Khadiagalia, "Burundi."

to comply with Uprona's demand that Frodebu condemn the ongoing attacks, which led Uprona and the military to accuse Frodebu of complicity with the militants (primarily the CNDD-FDD). On its side, Uprona rejected Nyerere's proposal that the government should negotiate with these armed groups.<sup>48</sup> The problems of this first meeting pointed to issues that over the following four years deeply affected the peace process: whether or not groups still fighting should be included in the talks before signing a ceasefire; factionalism within the various groups and how to deal with splinter groups once they arose; and the relationship of parties in the talks to those that remained outside the negotiating framework.

Later in June, the first Regional Heads of State Summit convened in Arusha. This meeting included heads of state from Tanzania (President Benjamin Mkapa) and Uganda (President Yoweri Museveni), as well as Frodebu, Uprona and several smaller parties. These talks focused on technical issues, rather than substantive: getting to a ceasefire to allow substantive talks, regional security assistance, and mechanisms to restore and prevent further violence.<sup>49</sup> This session spent a great deal of time discussing the possibility of mobilizing an international intervention force, something that Frodebu had been requesting since 1993, but which was finally gaining traction from the regional neighbors.<sup>50</sup> Mkapa and Museveni in particular pressured the Convention government - President Sylvestre Ntibantunganya (Frodebu) and Prime Minister Antoine Nduwayo (Uprona) to request the international force. Ntibantunganya welcomed the creation of the force, while Nduwayo initially bowed to pressure and agreed, but later publicly condemned the idea. According to Mthembu-Salter, this pointed to another recurring dynamic in the negotiations processes: the mediators were extremely heavy-handed and forced the participants through negotiations processes and into agreements, whether or not there was truly any consensus or minimum agreement.

The Arusha summit set the tone for much of what followed during Burundi's peace process, with Burundian political representatives being pressured by regional heads of state into highly controversial agreements that it was then left to them to sell to their profoundly sceptical grassroots communities. In this instance, the request for international assistance was welcomed by FRODEBU and most

<sup>48</sup> Khadiagalia, "Burundi;" Gregory Mthembu-Salter, "Burundi's Peace agreement without peace." *Track Two* 11, no.5&6 (October 2002): [http://196.25.102.27/archive/two/11\\_56/index.html](http://196.25.102.27/archive/two/11_56/index.html) (accessed April 10, 2010).

<sup>49</sup> Khadiagalia, "Burundi."

<sup>50</sup> Mthembu-Salter, "Burundi's Peace Agreement."

other Hutu parties, but vehemently condemned by UPRONA and other Tutsi parties. Once back in Burundi, Nduwayo responded to the condemnation by shifting his position at a rally and accused Ntibantunganya of a secret agenda to neutralise the Burundian army.<sup>51</sup>

The prospect of this intervention force, and the opposition from both Uprona and the Burundian military, is considered the final trigger for the coup that Buyoya himself launched in early July.<sup>52</sup>

Following the coup, the third round of talks (the second Heads of State Summit) opened at the end of July 1996. This session was not a facilitation of talks between the parties to the conflict; instead this was a meeting of regional actors who had gathered to try to utilize the new network they had formed to reduce the intensity of the fighting. During this meeting, the regional actors decided to impose economic sanctions to restore constitutional order and legitimacy; instead the Buyoya regime launched a counter-insurgency effort against the rebels and condemned the sanctions.

The fighting continued throughout the rest of 1996 and 1997 without any genuine negotiations that involved the parties to the conflict. The next Arusha framework talks occurred in April 1997. Like the July 1996 meetings, the Third Heads of State Summit involved regional actors and again attempted to influence the Burundian conflict through external incentives. Since the fighting had not abated and the sanctions had soured relationships between the regional actors and the Burundian military and Uprona, the representatives at these talks decided to ease the sanctions. Relations between Tanzania and Burundi had greatly deteriorated because of the sanctions, which also weakened Nyerere's position as lead negotiator.<sup>53</sup> As Mthembu-Salter, a South African journalist covering the negotiations for the *Mail and Guardian* weekly paper described it, "Tutsi politicians ... roundly condemn the initiative as a violation of sovereignty and akin to a declaration of war and most see it as proof of the hostile intent of Nyerere and the Tanzanian government. Many have commented that since then they never again viewed Nyerere as a neutral mediator, but instead as a party to the conflict."<sup>54</sup> Nyerere offered to step down as lead facilitator in May 1997, but the regional actors refused to accept his resignation.

<sup>51</sup> Mthembu-Salter, "Burundi's Peace Agreement." (No page; html article.)

<sup>52</sup> Lemarchand, *Burundi: Ethnic Conflict and Genocide*; Reyntjens (multiple); Khadiagalia, "Burundi." Ironically, before the coup Buyoya had been residing in the USA while writing a book on democracy.

<sup>53</sup> Khadiagalia, "Burundi."

<sup>54</sup> Mthembu-Salter, "Burundi's Peace Agreement."

#### **Fourth Arusha Talks: June – July 1998**

Substantive talks about resolving the crisis only began in June 1998, when the parties finally returned to the negotiating table. Nineteen delegations participated in the Arusha talks, 17 from political parties and one each from the government and national assembly.<sup>55</sup> These talks, however, almost derailed because the CNDD and Palipehutu split into political and military wings on the eve of the negotiations, which caused a crisis about which of the groups to include in the talks. Should each of the four factions participate in the talks, or just one faction from each group? If one, which was the “legitimate” voice of the movement? Each faction claimed to be the true voice of the group.

Nyerere gave the groups three options – reconcile, put just the old leaders forward, put the new leaders forward. But this led to deadlock; both camps in each formation considered themselves to be the true voice of the group and would not compromise, while the Burundian government opposed the participation of any groups that refused to cease fighting.<sup>56</sup> Ultimately Nyerere decided that the original leaders, at the head now of political organizations shrift of their armed wings, would represent their parties at the talks.<sup>57</sup>

Therefore right from the beginning, the issue of inclusion created serious problems for the talks. There was a genuine legitimacy issue regarding which camps were represented and which excluded from the process, and this generated a climate of mistrust that poisoned the discussions. “Keeping Jean Bosco’s faction [the breakaway, armed wing of the CNDD-FDD] outside the formal negotiations has undermined the entire process: the climate of suspicion and mistrust between all parties, and within the parties themselves, has increased.”<sup>58</sup>

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<sup>55</sup> See appendix two for a list of the parties.

<sup>56</sup> On June 4, 1998, the National Assembly had passed the Constitutional Act of Transition, which created a new “internal partnership for peace” between the National Assembly and Buyoya’s government. This was significant as it changed the structure of the executive and enlarged the National Assembly to include a greater range of parties and members of civil society. The new regime balanced regional and ethnic considerations, and promoted ministers and two Vice Presidents untainted by the violence and massacres of 1993. The raison d’être for the partnership was to transition the country back to civilian rule. See International Crisis Group (ICG), “Burundi’s Peace Process: The Road from Arusha,” ICG Burundi Report No. 2 (July 20, 1998).

<sup>57</sup> Mthembu-Salter, “Burundi’s Peace Agreement;” ICG, “Burundi’s Peace Process.” Khadiagala notes that the technical committees were created in part as a way to resolve disagreements between Western facilitators and the regional facilitators about how to conduct the negotiations. The United States and European Union both had envoys in the region who were attempting their own mediation efforts that at times worked at cross purposes to the regional framework. See Gilbert Khadiagala, *Meddlers or Mediators? African Interveners in Civil Conflicts in Eastern Africa* (Leiden and Boston: Martinus Nijhoff Publishers, 2007); as well as “Burundi,” in *Dealing with Conflict in Africa: The United Nations and Regional Organizations*, ed Jane Boulden. New York and Basingstoke: Palgrave Macmillan, 2003.

<sup>58</sup> Renda, Elisa, “Mediation Efforts in Burundi,” *Conflict Trends* 3 (2003): 32-39, 38.

Nyerere's decree also excluded any groups waging armed conflict, and so CNDD-FDD and Palipehutu-FNL remained outside the negotiations framework through October 1999, when the facilitation passed to (former) President Nelson Mandela. Mandela attempted to bring the two into the talks, but for various reasons relating to the weakened position they would find themselves in and their inability to shape the agenda at that point, both remained outside the process.<sup>59</sup> The CNDD-FDD and Palipehutu-FNL thus became two spoilers that continued to fight, while the other groups in the conflict attempted to resolve the situation. The final Arusha protocols that were later signed in September 2000 did not include either group, so the South Africans continued separate talks with each group for years after the main peace accord was promulgated.

Once the talks resumed in mid-June, Nyerere's facilitation team split the discussions into five separate committees that were tasked with specific topics and agenda items.<sup>60</sup>

- Nature of the conflict – this committee was responsible for creating a document that outlined the nature of the conflict, the problems of genocide and exclusion, and proposing solutions to these;
- Democracy and good governance – strategies for democracy and good governance;
- Peace and security – strategies for achieving peace and security for all;
- Reconstruction and economic development – measures for economic reconstruction and development; and
- Guarantees for the application of a peace agreement.

By splitting the work into smaller, functionally focused groups, the facilitators were able to focus the talks within each issue areas and to break down complex issues into manageable pieces. This framework also helped to neutralize critiques of the dominance of Tanzanians in the process.<sup>61</sup>

## **Content versus Process**

These committees were establishing interim, civilian-controlled structures that would oversee the final transition back to civilian rule. Where there were substantive discussions, therefore, they applied mainly to the formation of the transitional government, rather than the permanent one.

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<sup>59</sup> See International Crisis Group, "The Mandela Effect: Prospects for Peace in Burundi," Bujumbura/Nairobi: ICG Central Africa Report No. 13 (April 18, 2000).

<sup>60</sup> ICG, "Burundi's Peace Process;" Renda, "Mediation Efforts in Burundi;" Kristina A. Bentley and Roger Southall, *An African Peace Process: Mandela, South Africa and Burundi* (Cape Town, South Africa: Human Sciences Research Council Press, 2005).

<sup>61</sup> Khadiagalia, "Burundi."

There are indications that both the decision to focus on technical arrangements and principles during the negotiations and the choice to task subsequent institutions with the burden of responding to fundamental causes may have been the expedient course of action, due to the intractability of certain fundamental issues. As discussed earlier, when an issue cannot be discussed constructively in the context of the negotiations, the parties to the talks may decide that it is better to postpone the resolution to a later stage. This is apparently what happened in several of the committees in the Arusha discussions held during the summer of 1999. Based on participant observation of the meetings in June – July 1998, Elisa Renda observed that when the peace and security committee attempted to set the agenda, delegates got so mired in arguments about what to include that the group made no progress in three weeks of discussions.<sup>62</sup> When the group tasked with discussing the nature of the conflict experienced a similar problem – participants could not even agree on the definition of genocide – the facilitators shifted the entire conversation to solutions, as this was apparently easier to discuss than the nature of the conflict itself.

Not only did the facilitators shift the conversation, they also shifted the burden for the ultimate resolution to structures that would be established later in the peace process. “On the part of the facilitating team, it was clear that the debate could only achieve a constructive result in determining ‘solutions’ to the issues of genocide and exclusion. In other words, agreement could be reached on the development of independent organs responsible for the ambitious historical reconstruction.”<sup>63</sup> Renda argues that the facilitators and members of the committee on peace and security agreed that since they could not agree on these basics, they deemed that the best way to proceed was to “give an independent institution the responsibility of unveiling the country’s bloody history.” Similarly, the committee on democracy and governance could not resolve justice issues, and therefore “agreed with the UN Security Council that an international Commission of Judicial Enquiry and the creation of a National Commission of Truth and Reconciliation were the only solutions.”<sup>64</sup>

These choices may have been necessary to move the negotiations process along, but they came with a price. Two of the core issues that motivated Palipehutu-FNL had not been addressed, which led the organization to maintain its fight long after every other Hutu movement

<sup>62</sup> Renda, “Mediation Efforts in Burundi,” 37.

<sup>63</sup> Renda, “Mediation Efforts in Burundi,” 39.

<sup>64</sup> Ibid.

had lain down arms (these were an open discussion of the nature of all the conflicts that had preceded the 1993 war and the nature of how past injustices would be addressed). Eight years later, when Palipehutu-FNL finally engaged in ceasefire negotiations, the organization put both of these issues on the agenda.

Unfortunately even with these coping mechanisms the committees made little progress between June 1998 and January 1999. The negotiations framework broke down in the spring of 1999 and parties only came back to the table when international sanctions compelled them.<sup>65</sup> It was another nine months before any committees showed genuine progress towards concrete proposals. When they did draft proposals, these were for the transitional government, which would then oversee a final transition and drafting of a new constitution.<sup>66</sup> At the time of Nyerere's death in October 1999, draft agreements had been reached on the necessity of the formation of a democratic regime, the basics of an electoral system for the future, and that a Truth and Reconciliation Commission should be established.

### **Mandela Takes Over, October 1999**

Nyerere's death opened up a window of opportunity for the Burundian government. It had long been trying to remove the negotiations process from regional control, particularly that of Tanzania. On December 1, 1999, a regional heads of state summit selected former South African President Nelson Mandela as the lead facilitator. Mandela immediately took the negotiations in a different direction. His approach was much more heavy-handed than had been Nyerere's; Mandela personally met with all the parties to the conflict, including the CNDD-FDD and Palipehutu-FNL, and he openly admonished all sides whenever they prevaricated. A relative outsider and with little knowledge of Burundi before this point, Mandela visited the country and rapidly caught up on the situation through consultations and reading.<sup>67</sup>

When he approached the situation, therefore, it was without the traditional assumptions and interests of a regional actor. Mandela drew parallels between Burundi and South Africa

<sup>65</sup> Khadiagala argues that the sanctions were contentious and opposed by the Buyoya government, and were only sporadically implemented. Nevertheless, their imposition was a critical factor that generated momentum to resume the talks. See Khadiagala, *Meddlers or Mediators*, particularly chapter four.

<sup>66</sup> Importantly, several of the principles that were worked out guided the writing of the final constitution, particularly those on power sharing. The final constitution created power-sharing provisions to prevent the domination of either ethnic group in future regimes.

<sup>67</sup> Bentley and Southall, *An African Peace Process*.

during apartheid and South Africa’s subsequent negotiations process, and used the South African experience as a model for the rest of the negotiations. This influenced his approach: he tended to treat Uprona and Frodebu as the two main negotiating partners in the process, the way that the National Party and African National Congress had been the “real” focus of the South African negotiation in the early 1990s. Also, Mandela frequently and publicly likened the Tutsi to white South Africans, drawing parallels between a 15% minority population systematically repressing and disenfranchising the 85% majority population. While this provided a fresh lens to the negotiations process, it also alienated some Tutsi elements, who resented what they saw as Mandela’s dogmatic mapping of the South African situation onto Burundi.

Mandela also focused on inclusion, arguing that all stakeholders in the conflict needed to be at the negotiating tables. He made great efforts to bring in CNDD-FDD and Palipehutu-FNL into the process, meeting with the leaders of the movements. Nyerere’s exclusion of these groups had continued to threaten any progress made, but including them at this point was also precarious. There was a genuine potential for rivalry between the Hutu politicians who had been participating and the armed Hutu rebels who claimed to be appropriate personalities to negotiate security sector reform. Along with this, Frodebu’s position as the lead Hutu organization could have been threatened had either the CNDD-FDD or Palipehutu-FNL (but more the CNDD-FDD) truly joined the process; this increased Frodebu’s opposition to including the rebels without a ceasefire guarantee.<sup>68</sup> In the end, while the CNDD-FDD participated in some of the talks under Mandela, it ultimately withdrew and refused full participation. Palipehutu-FNL’s leaders never came to the table at all. Mandela subsequently branded them terrorist organizations, which only served to further alienate them from the process.

Mandela’s approach was almost authoritarian; he doggedly focused on process, timelines and sticking to both.<sup>69</sup> In order to help participants stick to the final deadline, Mandela “pre-booked” international actors, like then-President Bill Clinton, to attend the peace accord signing ceremony that was set for September 2000. He then used the public embarrassment that would be caused to keep the process on track and prevent parties from stalling. Van Eck asserted that

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<sup>68</sup> ICG, “The Mandela Effect,” 29. The CNDD-FDD was experiencing several layers of internal divisions at this time as well, further complicating its incorporation into the peace process.

<sup>69</sup> Bentley and Southall, *An African Peace Process*; Khadiagalia, “Burundi;” Curtis, “Burundi and the DRC.”

Mandela used his international stature and moral force to “bully” the process through, which he argued no other mediator could have done.<sup>70</sup>

Along with his deadline-focused approach, Mandela used his moral authority to force the Burundians to confront issues that, to this point in the negotiations, they had avoided. “By his unaccommodating approach to the conflict and his reminder to the Burundian political class that they must show a sense of responsibility, he has provoked a healthy debate on questions related to an amnesty for those guilty of war crimes and crimes against humanity, the integration of rebel forces into the army, power sharing and the transition.”<sup>71</sup> Until this point, the Burundians had used euphemism, allusions and half-expressed sentiments when discussing the past and the nature of the conflict; or they had avoided discussing the core issues altogether.

In terms of process, Mandela’s facilitation team divided the participants into three camps: an extreme pro-Hutu, extreme pro-Tutsi, and a moderate camp. The logic in dividing the groups into this way was to allow each group to come up with its own proposals, and then through a series of bilateral negotiations between the facilitators and each group, to bring the outlier and more radical proposals closer to the position of the moderate camp.<sup>72</sup> This technique was designed to sideline extremist elements in the talks and focus on technical issues that prevented grandstanding and politicking. Mandela’s team also removed the five-part committee structure as a way to generate proposals. Instead, his team worked with Burundian parties in the three groups to draft an agreement, which he then presented to all the parties in July 2000. Mandela then gave the groups three weeks to come up with counter-proposals for the draft, and through this process they worked on revising the draft document and coming up with the final peace accords that 19 parties signed in August and September 2000.

### ***Content vs. Process***

Analysts of the Burundian peace process laud the protocols signed in September for pushing the peace process forward and initiating the transitional government, but note that several aspects of the process generated ripple effects that, farther on, have endangered the transition. Several of these have already been mentioned, so here we will focus on those that have not been discussed.

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<sup>70</sup> Van Eck, “Challenges to a Durable Peace.”

<sup>71</sup> ICG, “The Mandela Effect,” i.

<sup>72</sup> Bentley and Southall, *An African Peace Process*.

Jan van Eck, one of the South African facilitators, has been particularly critical of the Arusha Accord and of Mandela's approach in particular. Van Eck faults the Mandela phase of negotiations for violating all the principles of peacemaking that had been developed over decades of practice and research: inclusivity, compromise, ownership of the process, home grown solution, *dealing with root causes*, and reconciliation (emphasis added). While Mandela himself asserted that this flaunting of the rules was what allowed him to conclude the talks on schedule and with a signed peace agreement, van Eck felt that this may not have allowed for airing of grievances, many parties felt forced to sign the final accord and did not have time to dialogue about the provisions of the accord.<sup>73</sup>

Of these principles, the lack of ownership and avoidance of root causes seem to have created the most follow-on difficulties that the peace process has encountered since Arusha. For one, a significant number of groups – both signatories and non-signatories - subsequently voiced vigorous opposition to many provisions in the agreement. A number of Tutsi parties had initially even refused to sign, but under intense pressure were convinced to sign it in early September before the final international ceremony. Similarly, the two main rebel groups capitalized on opposition to the agreement to sustain their fighting; the CNDD-FDD only acceded to the accord after it signed the ceasefire agreement in 2003, and one of its splinter factions held out until 2005.<sup>74</sup>

These groups were then able to use their “principled” stand against the Arusha protocol as campaign tools in the transitional elections in 2005. Lemarchand argues that the CNDD-FDD capitalized on their opposition to the Mandela-phase and the text of the agreement as campaign platforms, and used this as a wedge issue to defeat Frodebu in the elections held between June and August 2005. By distancing itself from the Arusha framework negotiations and the final document, the CNDD-FDD was able to position itself as a more legitimate political force that stood up to its ideals and resisted pressure from the international community.

Overlooking root causes and forcing the process also extended the conflict in this situation. The exclusion of major and minor rebel groups, and then their dissatisfaction with the

<sup>73</sup> Jan van Eck, “Burundi: An Ongoing Search for a Durable Peace.” *African Security Review* 16, no. 1 (March 2007): 113 – 121. Gilbert Khadiagala (*Meddlers or Mediators?*) disagrees with this criticism, arguing that local ownership is not possible in contexts where parties are deeply divided. In these situations, he argues, external actors have to impose solutions while creating a gradual process that over time secures the “buy in” of hardliners who are holding out.

<sup>74</sup> Lemarchand, “Burundi’s Endangered Transition,” 11.

process-oriented agreement, caused the process to drag on for almost an entire decade more, requiring near constant side negotiations with multiple parties outside the formal talks (1996 – 2000). This lack of inclusion prolonged both the war and the peace process.

Finally, the Accord itself has been faulted for being short on detail and limited in scope.<sup>75</sup> The facilitators and main actors engaged in two days of intense negotiations before the signature deadline of 28 August in order to resolve unfinished business, which either resulted in multiple compromises that had not been negotiated or briefed to the wider audience, or in incomplete protocols with no substantive agreements.<sup>76</sup> Only three of the protocols were complete; the rest were signed on the date but without specifics as the parties could not come to any agreement. The completed protocols pertained to the nature of the conflict, principles of democracy and good governance to be included in a post-transition Constitution, and reconstruction and development. Critically, the negotiating teams were unable to devise concrete proposals related to the security sector, due to the absence of the main rebel groups. The protocol assigned the organization and function of the future defense force to national legislation post-transition.

Many have argued that Mandela forced Burundian politicians to sign an incomplete agreement, while Lemarchand criticized the agreement because “much of the agenda inscribed in the protocols did not go beyond the stage of pious intentions.”<sup>77</sup> He noted that six years after the Protocol had been signed, most had yet to be implemented, outside of the areas of democracy and governance, and the protocol on peace and security. The transitional arrangements that Arusha created ignored several root problems fomenting Burundi’s conflicts: lack of economic opportunities, regionalism, and the role and function of the military.<sup>78</sup> None of these issues were incorporated into the interim government created by the Arusha agreement. Had the document been more focused on substance and less on technical arrangements and deadlines, some of these deficiencies could have been remedied.

Despite the drawbacks, there were undeniable positive achievements that did reflect attention to root causes. The ICG praised the “clear and precise action programme” outlined in the three completed protocols of the agreement – on democracy, reconciliation and

<sup>75</sup> See, for example, Devon Curtis, “Transitional Governance in Burundi and the Democratic Republic of the Congo,” in *Interim Governments*.

<sup>76</sup> ICG, “Neither War nor Peace.” This ICG report contains an excerpted version of the main elements of the agreement as well as an analysis of the text and the process that created the agreement.

<sup>77</sup> Curtis, “Burundi and the DRC;” Lemarchand, “Burundi’s Endangered Transition,” 11; ICG, “Neither War nor Peace.” These are just a few examples; this is a steady theme in most works on the subject.

<sup>78</sup> Curtis, “Burundi and the DRC.”

reconstruction.<sup>79</sup> The transitional structures set a pattern that the constitution drafters elected to retain in the final constitution, and the parallel ceasefire negotiations with the CNDD-FDD helped to create a security establishment that finally included Hutu as well as Tutsi (though the Tutsi remained dominant). Lemarchand concedes that institutionalizing ethnic parity within the army may have been the “most remarkable achievement of the Arusha conference.”<sup>80</sup> Other scholars argued that the over-representation of Tutsi was not a drawback: while it would have been truly equitable to implement genuine ethnic proportionality in the military, this would have been too much for the Tutsi to accept.

One final aspect of the Arusha agreement that bears on the conflict resolution versus crisis response debate is whether a ceasefire should have been signed before the peace accords. The Arusha process was supplemented by parallel negotiations with warring parties to obtain a ceasefire arrangement. This left organizations with substantial military power outside the political process, where they could utilize violence to gain concessions in the political arena when the agreements and processes did not suit them.<sup>81</sup> The CNDD-FDD and Palipehutu-FNL would not agree to participate in the political process for all the reasons outlined previously, several of which were root-cause issues. This then raises the dilemma once again: would incorporating root causes into the substantive negotiations have prevented these groups from becoming spoilers? The question might be moot, in large part because the Tutsi-dominated military would not allow those issues to be brought into the negotiations framework. The tradeoff chosen by the mediators was to push ahead and focus on one set of root causes, the political process (thereby addressing a root cause), while excluding others, such as the nature and composition of the military. Facilitators could not force the spoilers into the peace process, which extended the violent phase of the conflict for several years.

## Pretoria Sessions

On balance, however, the Arusha accord roundly failed to curtail violence in the country; instead violence spiked in the four months following the signing of the accord. “In fact, since 28 August 2000, Burundi has experienced a dramatic resurgence of violence, the peace process appears to

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<sup>79</sup> International Crisis Group, “Burundi: Neither War nor Peace,” Arusha/Nairobi/Brussels: ICG Africa Report No. 25, December 1, 2000.

<sup>80</sup> ICG, “Burundi’s Endangered Transition, 11.

<sup>81</sup> Curtis, “Burundi and the DRC,” 186.

be paralysed by the refusal of the main rebel groups to take part in it despite the efforts of the South African mediators, and the daily life of Burundians both inside and outside the country has not been improved at all.”<sup>82</sup> The ICG blames the violence on the way that the agreement was signed and the importance of the unresolved issues – the ceasefire and the transition process itself.

Ceasefire negotiations separate from the political discussions of the Arusha process had been initiated in August 2000. Initially with both the CNDD-FDD and Palipehutu-FNL, the talks with the CNDD-FDD initially were more fruitful than those with Palipehutu-FNL. Both organizations were pressing for issues relating to the demobilization and/or integration of their fighters into the political process and new security forces, as well as the basic structure, role and composition of the armed forces post-transition. Additionally, they were unhappy with the compromises enshrined in the Arusha agreement, especially those pertaining to the treatment of history, status of post-conflict justice mechanisms, and the overrepresentation of Tutsi in transitional government structures and the post-transition military.

Little progress was made between August 2000 and February 2002, when the South African facilitation team requested Tanzania help bring the rebels to the negotiating table. During this time, the transitional government and Burundian army were fighting the various rebel movements throughout the Burundian territory. Complicating matters, an internal division within the CNDD-FDD blossomed into a split, with the National Council of Patriots (FDD-CNP) establishing itself as a separate movement in October 2001. According to the ICG, the FDD-CNP soon grew stronger than Palipehutu-FNL.<sup>83</sup>

The Tanzanian government and the CNDD-FDD factions began a dialog at the end of July. Palipehutu-FNL and some of the CNDD-FDD factions did not consider the Burundian government selected at the beginning of the transition in November 2001 to be legitimate. Instead they asserted that they could only negotiate with the Burundian army, which was the real power in the country.<sup>84</sup> Multiple rounds of talks were held during 2002, though no tangible progress in terms of defining an agenda and obtaining participation was made until the following

<sup>82</sup> ICG, “Neither War nor Peace,” 1.

<sup>83</sup> ICG, “The Burundi Rebellion and the Ceasefire Negotiations,” Nairobi/Brussels: ICG Africa Briefing, August 6, 2002. The divisions related to regional identities and problems that the FDD had the deteriorating situation in the Democratic Republic of the Congo had forced the FDD to move its bases from Congo to Tanzania.

<sup>84</sup> ICG, “The Burundi Rebellion.” This particular ICG briefing has an excellent, concise overview of the main rebel factions, their histories, and the issues that motivated their continued struggles.

year. In 2003, the CNDD-FDD factions finally agreed to facilitation by South Africans, led by Jacob Zuma. Palipehutu-FNL did not agree and only began to negotiate for a ceasefire later on.

The final sessions where substantive negotiations and progress took place occurred in three meetings, a Heads of State Summit in Dar es Salaam in September 2003, followed by South African facilitated principals' negotiations in Pretoria, South Africa, in September and November 2003. The heads of State Summit in Dar es Salaam had derailed because neither the transitional government nor the CNDD-FDD factions would compromise on defense power sharing and military reform.<sup>85</sup>

When the parties met again in Pretoria, President Thabo Mbeki himself led the mediation effort. Mbeki used proposals that had been created for the September summit to structure the agenda. These ceasefire negotiations focused on the substantive issues that were keeping the CNDD-FDD out of the transitional process: political power sharing, defense power sharing, and security power sharing. This first Pretoria Session produced the "Protocol on Political, Defence and Security Power Sharing in Burundi." The document contained concrete proposals and formulas for the incorporation of CNDD-FDD members in each of these realms; proposed a name change for the military (creating the Burundi National Defence Force, BNDF/NDF); and established power sharing in the police, gendarmerie, militia and intelligence arms of the security sector.

The participants in the first Pretoria Session made significant headway in resolving the issues that had kept the CNDD-FDD out of the process until this point. They were not able to come to agreements on temporary immunity for CNDD-FDD members or the status of the organization as a political party. These issues were therefore the focus of a follow-on meeting in November 2003, which resulted in two further agreements, again both substantive. The "Protocol on Outstanding Political, Defence and Security Power Sharing Issues in Burundi," and the "Forces Technical Agreement" (FTA) resolved the remaining issues. The Protocol on Outstanding Issues granted temporary immunity and agreed that the CNDD-FDD would qualify to register as a political party once FDD began demobilization. The two-part Forces Technical Agreement (1) specified the size, composition, structure and organization of the new BNDF, and (2) established the BNDF and provided for a DDR process that would unfold in a year-plus

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<sup>85</sup> Henri Boshoff and Jean Marie Gasana, "Mapping the Road to Peace in Burundi: The Pretoria Sessions," ISS Situation Report: African Security Analysis Programme (Pretoria, South Africa: Institute for Security Studies, November 24, 2003, 1).

timeline. Significantly, these provisions also articulated how the Transitional Government of Burundi would be restructured to incorporate CNDD-FDD members (four ministerial posts, one vice presidency, etc).

The detailed and comprehensive nature of these three agreements created a process that led to the successful disarmament and demobilization of the CNDD-FDD and its transformation into a political force. The organization did not have unresolved issues at the conclusion of these processes, and the factions that had broken off were brought into the process in separate ceasefire agreements in 2005. The movement was able to demobilize and transform enough that when the final phases of the transition unfolded, the CNDD-FDD won control of the National Assembly, the Presidency and many of the provincial governments.

### **Ceasefire Accord (CFA) with the FNL**

The situation for Palipehutu-FNL was much different than for the CNDD-FDD. Palipehutu-FNL had split into three factions by 2003, which complicated the negotiations process, especially regarding demobilization and disarmament.<sup>86</sup> Furthermore, once the FDD had signed its ceasefire, it had begun to cooperate with the Burundian army to fight the FNL. While negotiators for the CNDD-FDD ceasefire had often described the FNL as “a small problem,”<sup>87</sup> it was nevertheless able to threaten the stabilization that Burundi so desperately needed. By late 2006, observers noted that “in spite of [the] nonstop negotiations [with Palipehutu-FNL] and the holding of democratic elections in August 2005, few Burundians and international role players would be brave enough to claim that the Burundian peace process has been completed and that Burundi has finally achieved durable peace.”<sup>88</sup>

The very nature of the Arusha process created this situation where Burundi had not yet achieved a durable peace six years after the Arusha Accord had been signed. Ongoing fighting had created a steady decline in the standard of living, which had already been low by international standards in 1993, and by 2006 public services had collapsed across most of the

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<sup>86</sup> Boshoff and Gasana, “Mapping the Road to Peace.”

<sup>87</sup> Boshoff and Gasana, “Mapping the Road to Peace,” 6.

<sup>88</sup> Van Eck, “Burundi: An Ongoing Search,” 2.

country.<sup>89</sup> The political situation was normalizing, with a Hutu rebel movement-turned political party finally leading the country, and reconstruction and development beginning, but armed conflict still plagued western parts of the country where Palipehutu-FNL was still active.

In the summer of 2006, therefore, international negotiators increased the pressure on Palipehutu-FNL to come to a ceasefire agreement with the newly-elected Government of Burundi. The Tanzanian government particularly helped to push Palipehutu-FNL's leader, Agathon Rwasa, back to the negotiating table because Tanzania wanted to close the remaining refugee camps and either repatriate the Burundians to Burundi, or make them citizens of Tanzania. The talks began in June 2006 in Pretoria, facilitated by the South African Minister for Safety and Security, Charles Nqakula. The aim of the discussions was to secure a ceasefire agreement and bring Palipehutu-FNL attacks to an end; Palipehutu-FNL participants presented several core issues for discussion that were pushed out of the negotiations process.

These negotiations focused on obtaining agreement to a ceasefire rather than addressing issues of fundamental concern to Palipehutu-FNL. Some of the initial reasons that Palipehutu-FNL had gone to war in 1993 had been resolved with the transition in 2005 and the initiation of security sector reform, but there were other issues that had developed over the course of the conflict. These were issues similar in spirit to the ones that originated the war, but which had evolved with the changing circumstances. Of particular importance, Palipehutu-FNL had consistently rejected the Arusha Accord, arguing that the nature of the power-sharing arrangements and Uprona's continuing control over the security establishment merely disguised a perpetuation of Tutsi power. By the time the interim government was transitioning to the permanent government, Palipehutu-FNL also desired to negotiate for the status of their members the political realm and FNL fighters in the security forces and demobilization programs after the ceasefire.

This represents a mix of root causes and issues that arose during the course of the conflict. Regarding the composition of the military, the peace agreements signed in 2000 and 2003 had left Uprona with a "significant level" of control over the military, to which Palipehutu-

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<sup>89</sup> Lemarchand, "Burundi's Endangered Transition," 9. Lemarchand notes that malnutrition had risen from 6% in 1993 to 30% in 2004, cases of endemic disease had increased over 200%, and that primary school enrollment had decreased from 70% to 40% of school age children.

FNL objected.<sup>90</sup> In their minds, allowing Uprona a controlling influence in the military would perpetuate the political dominance of the old ruling party, as well as Tutsi control over the military, which had been one of the foundational problems causing the war in the first place. This general balance remained even after the CNDD-FDD integrated into the military after 2003, when the Uprona/Tutsi elements were still over-represented; Palipehutu-FNL leaders wanted to change the ratio and decrease Tutsi over-representation. Palipehutu-FNL leaders did not want to lay down arms without changing the balance in the new Burundian Army.

On the government's side, the CNDD-FDD government initially preferred to pursue a military solution to the Palipehutu-FNL problem and would accept nothing but unconditional surrender.<sup>91</sup> The two organizations had been rival rebel movements for years, and the CNDD-FDD did not want to let Palipehutu-FNL score any political points through a substantive peace agreement. CNDD-FDD was also concerned with internal divisions that had cropped up since winning the elections, and could not afford to be seen as conceding to Palipehutu-FNL demands.<sup>92</sup> Soon after taking power, therefore, the CNDD-FDD government under President Nkurunziza focused on fighting Palipehutu-FNL, and only agreed to return to the negotiating table after Tanzania led a regional initiative to convince both parties to engage in dialogue.

During the negotiations, the integration of the FNL into the defense and security issues proved to be one of the major issues and obstacles to progress. Palipehutu-FNL demanded a complete overhaul of the defense and security sector. Tutsi elements in the security sector obviously opposed any further dilution of their power, while the CNDD-FDD also resisted this demand as its members were now part of the forces that Palipehutu-FNL demanded be reorganized. Furthermore, this issue was more complicated because it would be the second significant overhaul of the security sector since the transition had begun. The incorporation of the CNDD-FDD fighters into the defense and security sectors in 2003 had already necessitated that the transitional arrangements agreed to at the signing of the Arusha Accord be modified to include the CNDD-FDD. Palipehutu-FNL's demands would now take positions away not just from the Tutsi in the defense and security sectors, but also the newly-transitioned CNDD-FDD

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<sup>90</sup> Henri Boshoff, Jean Marie Gasana and Richard Cornwell, "Burundi: the End of the Tunnel?" ISS Situation Report (Pretoria, South Africa: Institute of Security Studies, February 2, 2009), 2.

<sup>91</sup> ICG, "Burundi: Finalising Peace with the FNL," ICG Africa Briefing No. 131, August 28, 2007.

<sup>92</sup> ICG, "Finalising Peace with the FNL."

combatants.<sup>93</sup> Therefore, not including the CNDD-FDD and Palipehutu-FNL in the initial peace accords, made the entire process more difficult and prone to problems: the delicate and negotiated balance between Tutsi and Hutu, former government and former militant, had to be renegotiated every time one of the combatants signed a ceasefire and agreed to demobilize and integrate.

As with the Arusha process that “ended” the war in 2000, certain issues proved too difficult to work out in the context of a negotiating framework that operated with a high degree of international pressure and with a focus on a strict deadline. As occurred with some of the thorniest issues in the earlier negotiations, as the facilitators promoted dialog between the CNDD-FDD government and Palipehutu-FNL, they eliminated certain issues from discussion in order to reach an agreement. Thus the focus was on technicalities rather than the substantive outcomes that the International Crisis Group (ICG) noted in its 2007 report on the peace process. Reflecting the nature of the agreement signed on September 7, 2006, the ICG described it as “purely technical agreement [that] seemed more like a surrender than a genuine peace agreement.”<sup>94</sup>

In this last case, the South African mediators convinced Palipehutu-FNL leaders to sign the ceasefire by promising that the issues would be taken up subsequently. The parties did not devise a particular formula for FNL integration, and the timetable they devised in the second round of negotiations (late June – August 2006) gave only one month for FNL demobilization, compared to the 13 months provided for the same process for the FDD fighters of the CNDD-FDD.<sup>95</sup> The problem, once again, was that the Burundian government had made no moves to initiate talks on the remaining issues by January 2007, as the international pressure was off and the government now out of the limelight. The government and international actors asserted that Palipehutu-FNL should take up these issues with the Joint Verification and Monitoring Mechanism (JVMM) that the June agreement on principles had created; but the JVMM chairman refused to allow Palipehutu-FNL to raise any topics not written into the principles document or the official ceasefire agreement.<sup>96</sup> Palipehutu-FNL therefore did not adhere to the provisions,

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<sup>93</sup> Curtis, “Burundi and the DRC.”

<sup>94</sup> ICG, “Finalising Peace with the FNL,” 2.

<sup>95</sup> ICG, “Finalising Peace with the FNL,” 6.

<sup>96</sup> Van Eck, “Ongoing Search for a Durable Peace.”

and fighting continued for another two years with little progress towards implementing the ceasefire.

The South Africans facilitated more rounds of negotiations, and even got both sides (the CNDD-FDD government and Palipehutu-FNL) to sign a document “reaffirming” the principles of the 2006 CFA, but this did little to decrease the fighting. The parties made no progress towards implementing the ceasefire until January 2009, when Palipehutu-FNL finally agreed to drop the “Palipehutu” part of the organization’s name and register as the FNL political party.<sup>97</sup> Only after this did the organization begin to demobilize and convert into a purely political formation. Three years had passed between the initial signing of the CFA and the *beginning* of its implementation, four years into the first term of the new civilian government led by the CNDD-FDD, and one and a half years before the next round of elections were scheduled (June 2010).

## **EFFECTS OF CRISIS RESPONSE VS. CONFLICT RESOLUTION STRATEGIES**

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What is clear from this case is that negotiations to end conflict are an iterative process. Burundi, like South Africa, and many other states experiencing conflicts that ended through negotiations, had to go through a complicated and multifaceted peace process. Preliminary talks to establish dialogue between warring parties were followed by talks to set the agenda for subsequent talks that would tackle substantive issues. None of the talks that focused on conflict termination seemed to have a measurable effect on the conflict (UN talks, Carter Center Talks, and the first rounds of the Arusha talks); with the effect that the conflict underwent years of mediation without any decrease in the intensity of fighting. Once substantive talks that addressed some of the core issues finally began, in June 1999, the exclusion of certain parties and issues from the agenda meant that the negotiations process created an incomplete peace accord that had to be supplemented through various side-negotiations.

Ultimately the most fundamental of the core issues (the formula for power sharing and the composition, role and function of the military), were delegated to a subsequent domestic process that unfolded outside the realm of third-party mediation: the transitional government established through the Arusha framework. This transitional government was successful at

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<sup>97</sup>Boshoff and Gasana, “Burundi: the End of the Tunnel?”

resolving the conflict to some degree, as the country transitioned to a new regime in August 2005. This is where the fact that third-parties were not able to get the Burundian factions to discuss core political and military issues during the negotiations process becomes important. The Tutsi-dominated military remained powerful through the transitional period during which the final constitution was drafted. As a result, the transitional government created a permanent government and military that over-represents Tutsi. This could potentially reproduce the dynamics that have fueled conflict since 1962. Had the intervening powers more directly shaped the permanent constitution, or had the negotiations taken place within the context of third-party negotiations, it is possible that the Tutsi dominance would have been more effectively reduced in the post-conflict political order. When left to domestic processes to resolve, however, the still powerful Tutsi were able to force concessions that maintained a significant degree of their power.

Additionally, because the negotiations unfolded before conflict had ceased, the two most powerful rebel groups were kept outside of the negotiations process. When they were courted to join the negotiations, it was so late in the process that they declined to enter and demanded that the entire negotiations begin again. Here, failing to fully respond to the crisis by halting the violence (through forcible intervention if necessary) and entering into negotiations before ceasefires had been agreed upon and adhered to, created almost as many problems as ignoring root causes. Negotiating with some but not all of the parties to the conflict enabled the CNDD-FDD and the Palipehutu-FNL to play the role of powerful spoilers, each of which had to be brought into the peace process through parallel but separate negotiations processes. This extended the life of the conflict by several years.

### **Comparing the Negotiations Periods**

The first rounds of negotiations – those sponsored by the United Nations, the Carter Center, and the first few rounds of the Arusha talks – focused on crisis response. These talks each had a specific approach that distinguished them from each other. The UN-facilitated talks included only Frodebu and Uprona and aimed to resolve the crisis that began with the usurpation of the new government that had just been elected. The scope of these talks was limited to power sharing between the two principal political entities. The Carter Center talks occurred at a later stage, when the conflict erupted and multiple factions had gotten involved. This effort focused on

engaging regional countries and the government of Burundi, rather than bringing all the conflict parties to the table. The goals of these talks were to try to end the hostilities through a regional approach, rather than by directly mediating between the various parties in the conflict.

The Arusha talks grew out of the regional process initiated by the Carter Center, and themselves went through various stages. The first stages, taking place between 1996 and May 1999, attempted to create dialog between various warring factions and to establish an agenda for substantive discussions. These three attempts all shared a common goal: to end hostilities by getting parties to agree to a ceasefire. None of these talks attempted to address the issues that fueled the conflict; they focused on conflict termination and addressing some of the symptoms of the conflict (particularly refugees).

In Burundi's case, the conflict could never be sustainably managed, much less fully resolved, without unpacking the core issues that had fueled over 30 years of conflict. At the point where the negotiations should have turned to substantive issues, however, they encountered difficulties: many of the core issues that prompted conflict in the first place proved too difficult to process within the framework of externally-facilitated peace talks.<sup>98</sup> When the Arusha talks split into five technical committees, each tasked with addressing a different set of issues, several of the committees were unable to agree on basic causes that should be addressed in the context of the discussion. Negotiators therefore utilized strategies that focused on technical arrangements and statements of principles, setting up subsequent structures that would process the substantive issues according to formula and principles established during the negotiations phases.

Postponing the fundamental issues to later stages did enable the negotiations processes to create peace agreements that parties to the conflict signed. In many respects the creation of the transitional government that subsequently created a permanent constitution, the core feature of the Arusha Accord, was a success. Arusha was an incomplete peace accord, however. Not including certain parties and processing important issues in the early agreements created a host of problems that have postponed the full resolution of the conflict. For one, the peace process had to undergo multiple additional rounds of side-negotiations and modifications parallel to and outside of the Arusha process. Thus the transitional government established by the Arusha

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<sup>98</sup> There were other significant problems with the negotiation process, noted in the analysis here but not focused on in great depth. These largely pertained to the inclusivity of the Arusha process and the signing of a peace agreement before a ceasefire agreement. For analyses of these dynamics and others related specifically to the peace process, see Curtis, "Burundi and the DRC;" Lemarchand, "Burundi's Endangered Transition;" and Mthembu-Salter "Burundi's Peace Agreement Without Peace."

Accord had to be modified once the CNDD-FDD signed a ceasefire, and then these same provisions negotiated again – and with much delay and difficulty – once Palipehutu-FNL finally signed a ceasefire. Not only did this threaten the nascent government, which is a significant problem in and of itself, but the side-negotiations processes extended the life of the conflict and caused greater economic and human damage as a result.

Second, the flawed peace agreement allowed signatories and non-signatories to reject it later on. Parties like the CNDD-FDD and some of the smaller Tutsi organizations were able to use the forced nature of the signing and the neglect of some key issue areas as political fodder in subsequent electoral campaigns: the CNDD-FDD was able to beat Frodebu in the 2005 elections in part because of the unpopularity of the Arusha Accord at the mass level.<sup>99</sup>

Third, because the core document of the peace process left many critical issues unresolved, subsequent governments have been able to postpone action on important issues and problems, and certain issues, like the over-representation of Tutsi in the security sector, are still manifest. In 2006, six years post-Arusha and one year into the permanent government, Lemarchand noted that aside from provisions relating to democracy and governance and peace and security, most provisions in the Arusha agreement had yet to be implemented; there had been no progress on rewriting the country's history and no moves to establish either a truth and reconciliation commission or the International Judicial Commission. Some provisions of the Arusha accord which were left at the statement of principles stage, like that of transitional justice, have only recently begun to be enacted by the Burundian government (since 2009).

## **OUTCOMES AND BROADER LESSONS**

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The positive outcomes cannot be denied. The political causes of the war – systematic disempowerment of the Hutu majority, the perception of threat felt by the Tutsi minority – seem to have been largely addressed since the transition to civilian government in 2005. Though the CNDD-FDD government showed early signs of autocratic behavior and intolerance of opposition, it has made great efforts to include significant Tutsi representation while also attending to the needs of Hutu. The consociational elements within the 2005 constitution force this compromise on the CNDD-FDD, but Reyntjens notes that Burundi seems to be de-

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<sup>99</sup> Lemarchand, "Burundi's Endangered Transition."

politicizing the ethnic cleavage much more effectively than Rwanda, where the forced “ethnic amnesia” regime prevents the Hutu from discussing their own problems without being accused of “divisionism.”<sup>100</sup> Burundi still needs to systematically empower Hutu and advance them in government structures and the country’s economy, but those processes are unfolding in the new regime.

Reform of the security sector has also been steadily occurring since 2005, and with the demobilization of FNL fighters since January 2009 the character is changing once again. This addresses the second most fundamental set of causes – the Tutsification of the Burundian military and the security threat that creates for the Hutu majority. Tutsi are still over-represented in the security establishment, and this is a hangover from the negotiated nature of the settlement, but this was a necessary bargain to get to peace.

Ten years after the signing of the Arusha protocols Burundi is making steady progress in almost all sectors and addressing the core issues, even though they were not addressed during the peace negotiations. The military has been reformed to a large degree and the government now shares power between Hutu and Tutsi. In this respect, therefore, the analysis seems to indicate that core issues can still be addressed by subsequent processes if they are excluded from the negotiations process.

The tradeoff could be that leaving core issues to subsequent or separate processes prevents the issues from being fully addressed. In Burundi, the Tutsi are still over-represented in the military and government. Carrie Manning would argue that this is because Tutsi remained powerful throughout the negotiations process and the subsequent transitional period, and therefore were able to shape the post-conflict institutions to their advantage.<sup>101</sup> Her work would imply that if the Tutsi had been disempowered through a stronger third-party intervention or mediation effort, or if the fundamental issues had not been processed by a transitional government that operated without external influence, they may not have been able to skew the permanent political and military institutions in their favor.

Getting to the point where fundamental root causes can be addressed may also take a lot longer if these issues are not resolved – or even genuinely opened – during the negotiations phase. Certain issues may not be appropriate for mediation – those would include deep

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<sup>100</sup> Reyntjens, “Briefing Burundi.”

<sup>101</sup> Manning, “Interim Governments.”

socioeconomic inequalities like those generated by 30 years of anti-Hutu discriminatory policies. Those types of fundamental causes cannot be “mediated” away, but must be dealt with through steady and consistent government policy in the post-conflict period. Others, those that are more explicitly political, can be addressed through the negotiations process, but may not be due to political expediency. Yet as just discussed, allowing those to be resolved outside the lens of international mediation may empower the forces that created the problems in the first place. Ignoring key root causes because of political expediency or the opposition of negotiating partners can, and in the case of Burundi did, delay the attainment of a full peace settlement by requiring multiple side-negotiations and extending the life of the conflict.

The real issue is that the fundamental drivers of conflict most likely can never be genuinely addressed in the context of peace negotiations. The conflict is too recent, the parties too divided, and the issues too sensitive. Perhaps the best that can be hoped for is a crisis response approach that effectively resolves the symptoms and creates room for bottom-up, peacebuilding processes that are supported by the international community. This in and of itself points to a significant policy conclusion: proactive engagement (an ounce of prevention) will go much farther in genuinely stabilizing conflict-prone African states than responding to conflicts that have already broken out.

Yet the debate is likely to continue anyway, and the policy community (both those who devise strategies and those who interpret and implement them) will be faced with the Faustian bargain: including extremely sensitive core issues may prevent progress in peace talks, but excluding those issues and focusing on process and crisis response issues creates a peace process with significant defects (like the “incomplete” Arusha protocol). These defects may be addressed through follow-on negotiations or transitional processes, which prevent them from completely derailing the peace process. If the short-term crisis response approach is the only one feasible when conflict erupts, then the international policy community will have to acknowledge that it is critical to remain engaged until the fundamental drivers are eventually addressed. Otherwise, sustainable peace may never occur.

One last important item to note is that for Burundi, the external imposition of a peace process may have been the primary reason why the road to a stable settlement was beset by spoilers. Van Eck argues that the nature of the externally-facilitated negotiations in the Burundian peace process created these problems that continually delayed the full resolution of

conflict in Burundi. The external negotiators who actually created signable documents, particularly the South African delegations (whether led by Mandela, Zuma or Nqakula), focused so much on tight deadlines and timeframes that they forced parties to sign peace agreements without addressing substantive issues that motivated the movements.

The practice of imposing agreements resulted in a *virtual minefield of unresolved issues being left behind*. While every party that signed against its wishes – from Arusha until today – was promised that it would be able to debate/negotiate its unresolved issues ‘once they sign and return to Burundi’ – this did not materialise. The feeling among these parties is that they were defeated and cheated, and the anger and frustration that this generates, actively contributes to tensions inside Burundi.<sup>102</sup>

Khadiagala suggests that the Arusha Agreement served as the beginning of a confidence building process that eventually created a peaceful outcome, downplaying the criticism about the incompleteness of the peace accords.<sup>103</sup> Viewing the Arusha Accords as one part of a larger process of sequenced peace initiatives may be a useful lens to understanding how peace processes unfold over time. For the current analysis, however, the critical effect of Arusha was that excluding issues of central concern to militant groups motivated them to become spoilers. If root causes cannot be incorporated into peace negotiations at an early phase, and parties remain outside the negotiating and crisis response framework as a result, then the conflict is likely to extend until all spoilers are brought in.

### **Broader Implications**

What are the wider implications of this analysis? Compared to other African conflicts where a resource logic warped an initial political struggle, the Burundian conflict seems relatively simple. The core issues fomenting conflict in 1993 were much the same as those generating tensions and massacres in 1965, 1972, 1988 and 1991. That the Burundians were not able to resolve the issues points to the fact that they are not “easy” issues to resolve, but the stability of the issues allows an analysis of the complex process of peace negotiations that does not have to trace ever-changing motivations for the actors. A similar exercise for the war in the Democratic Republic of

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<sup>102</sup> Van Eck, “Ongoing Search for a Durable Peace,” 6. Emphasis added.

<sup>103</sup> Khadiagala, *Meddlers or Mediators?*

Congo would have been much more complex, as the armed factions multiplied every time an armed group realized that there were substantial material gains to be made from the war enterprise in that mineral-rich country.

The Burundi case therefore presents a stylized conflict, which simplifies the issues for analysis. Other conflicts in Africa will present even more divergence between root causes and the complex crises that present themselves at the time that negotiations to end conflicts begin. This means that the range of intervention strategies and policy options will vary more in many countries than in the Burundi case, where crisis response primarily meant seeking a ceasefire and bringing rebel groups into the political process. Where natural resource motivations enter into a conflict, or where the war economy inspires groups to maintain fighting, the motivations that keep groups fighting have to be addressed in addition to those that incited violence in the first place.

In Liberia, for example, short-term crisis response strategies aimed at terminating conflict allocated certain key ministries to warlords who had become powerful during the course of the 1990s war. This strategy was necessary to secure their buy in for a post-conflict settlement, and was a strategy designed to address a symptom produced by the dynamics of the conflict as it had evolved. At the same time, certain economic functions of the government were put under international control, even after a permanent domestic regime had been created. This was designed to address a root cause that had ignited conflict in the first place: poor management of economic resources by domestic elites.<sup>104</sup> This dual approach provided more policy options for international actors. Burundi's case shows, nonetheless, that even in a comparatively simple case there are significant impacts created by the different strategies that various third party peacemakers employ. Sometimes avoiding inclusion of root causes is necessary to generate discussion that moves forward, but the tradeoff is a prolonging of conflict and the necessity for supplemental processes to incorporate parties that defect due to the impartial nature of peace negotiations.

For the policy community, this means that both aspects must be considered in every instance where third parties meddle in or attempt to help a conflict move towards resolution. The Burundi case points to a wider phenomenon in negotiated settlements: if the peace accords to not

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<sup>104</sup> E. Philip Morgan, "Interim Government in Liberia: Peace Building Toward the Status Quo," in *Interim Governments*.

address underlying causes, all they do is create a temporary cessation of conflict, and conflict is highly likely to break out again because the deep roots have not been addressed. In this sense, flawed peace accords can prevent the creation of peaceful settlements.

This lesson suggests that short-term, crisis-response approaches may reduce or end hostilities in the short term but not the long term. Through this approach a conflict could be managed, but not settled. In the longer term the fundamental issues that drive conflict eventually have to be addressed, or else the conflict is likely to break out repeatedly. The short-term motivation of external actors may often lead to crisis response solutions. True conflict resolution, which addresses the drivers of conflicts, requires a more broad-based approach that integrates various policy instruments and agencies. What these instruments are (economic policy, social engineering, political assistance, military assistance, etc) will be dictated by the context of the particular conflict that is being addressed by the external actors.

From a practical standpoint, however, the issue is not so simple. The Burundi case shows that root causes could not have been brought into the negotiating framework while the conflict was so fresh. The vested interests of the still-dominant Tutsi military and political elite would never have agreed to negotiations if certain issues were put on the table; and when those issues were incorporated the whole process stalled. From a policy perspective, therefore, addressing root causes may simply be infeasible once violent conflict has erupted or shortly after it has concluded.

For one, there may be no capacity or political will to address root causes: international NGO actors may not have the resources to help deal with systemic root causes, while governments and intergovernmental organizations may lack the political will to do so. This is especially so when fundamental and long-term socioeconomic inequalities fomented conflict. Addressing political imbalances can be easier than socioeconomic: the lessons of institutional engineering are well known and readily applied. Support can be provided in the short to medium term without requiring long-term involvement by the international actors. In contrast, attempts to redress decades of skewed policies that provided educational, occupational and other advantages to certain segments of a population would take years to decades to implement. Similarly, rebuilding national militaries is a significant commitment in terms of time and resources. The peace negotiations process most likely is not the appropriate venue to devise socioeconomic

policies, nor can the international community truly serve as the appropriate actor to implement redistributive policies of this nature.

International actors could show commitment during the negotiations periods that they will remain committed to help the country deal with these deeper issues. Not all may wish to play this role, but it is often important to push countries to tackle difficult problems later on. International actors could also aid parties to discuss the problems that future processes need to address. Here the difference between Nelson Mandela's and Julius Nyerere's approaches to the Burundian negotiations becomes important: while Mandela's approach could be faulted for many things, he did force the Burundians to begin to frankly discuss the problems between the two main ethnic groups. This is not all that is necessary to address the deep divisions, but Mandela was able to at least start the dialog. Without that, it is possible that the Burundian parties would have continued to discuss their issues through euphemisms and allegorical references, rather than through direct and frank confrontation of some of the deeper root causes. If the conversation is initiated during the negotiations phase, it is more likely to be continued afterwards.

The importance placed on resolving the drivers of conflicts should not detract from the necessity of crisis response. The Burundi case demonstrated clear drawbacks tied to the fact that the parties entered into negotiations while still waging armed combat. Because the peace talks began before hostilities had halted, parties were able to use violence to influence the talks. Other complex symptoms, such as repatriating the large refugee populations that had built up over 30 years of conflict, continued to challenge the peace process well past the transitional phase.

Additionally, the Burundi case shows that the ways that the issues driving conflict are addressed is critical. Had the ownership principle of peace negotiations not been violated and the timetable not forced on the participants, the Arusha process might have generated more participation from the rebel movements, and the resultant agreement may have generated broader acceptance and legitimacy.<sup>105</sup> For planners at USAFRICOM and other groups in the foreign policy community engaged in Africa (and possibly elsewhere), perhaps the most base lesson from this analysis is to build support from the ground-up, rather than initiating a top-down

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<sup>105</sup> Khadiagala disagrees with placing this much emphasis on the ownership issue; in his book (*Meddlers or Mediators*) he argues that local ownership is not possible when parties are as deeply divided as those in Burundi in the later phases of conflict. Nevertheless, most practitioners and scholars of peace negotiations would emphasize the necessity to build local ownership even in these situations.

process and hoping for buy-in later on. Legitimacy and acceptance, once lost, is very difficult to generate.

This suggests a phased approach: external actors may become involved to end hostilities, but if they do not embed crisis response within a longer-term conflict resolution process then the conflict may heat up again. For the United States in particular, this means that short-term mechanisms that focus on state level security and conflict reduction, especially those that increase the capacity of African militaries, may achieve short-term results without long-term increases in safety and stability. If the military itself is compromised, as it is in many countries like Burundi where governments actively repress segments of their populations, providing assistance to the military may create even more problems.

Initial efforts to address a conflict may have to focus on the military aspects: interventions to halt violent conflict and initiate peace processes. These efforts, however, must unfold in the context of a broader strategy that aims to address the fundamental human security issues that drive conflict in the first place. Otherwise, the international actors will be drawn in for additional intervention and negotiations when conflicts erupt in the future. This speaks to the “whole of government” approach that has become the catch phrase in United States foreign policy in recent years.

Military solutions alone cannot address conflicts when individual security concerns and system inequalities have fomented the violence. As Chester Crocker noted, intervention is not just about military interventions, and there are a range of non-military options that factor into the response to a conflict. Timing and sequencing are important, as is the link between force and diplomacy. The Burundi example seems to support Crocker’s suggestions that the wide range of diplomatic, economic and military tools be brought to bear when designing intervention strategies and sequencing efforts by different actors in the foreign policy arena.<sup>106</sup> Different tiers of conflict can be best addressed by specific actors: intervention to stop fighting; demobilization to disarm and repatriate combatants; diplomatic efforts to initiate and propel negotiations processes; economic support packages to aid reconstruction and address structural imbalances, and political advisors to assist in political and institution building.

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<sup>106</sup> Chester A. Crocker, “Intervention: Towards Best Practices and a Holistic View,” in *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester A. Crocker, Fen Osler Hampson and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2001).

## APPENDIX ONE: CONFLICT TIMELINE

Date	Parties	Timing/Events	Underlying Issues
1965 Coup and backlash against Hutu at political and societal levels	Forces Armées du Burundi (FAB) UPRONA Hutu parties	1965 – 1969: Consolidation of power under Tutsi dominance; systematic removal of Hutu politicians, civil servants and military members. January 1965: Assassination of Hutu Prime Minister Rwagasore. May 1965: Hutu sweep in legislative elections but appointed Prime Minister not Hutu. October 1965: Failed coup by Hutu supporters of Rwagasore; attempt also to overthrow the monarchy. October 1965: Seizure of power by Tutsi elites immediately following the failed coup. o Captain Michel Micombero becomes head of state. o Assassinations of Hutu political leaders. o Purge of Hutu officers, arrests of Hutu politicians and massacres in countryside . o Large-scale refugee flows (Hutu) to Rwanda, Tanzania and Zaire. November 1966: First Republic established, overthrow of <i>mwami</i> (King) Ntare II. Tutsi dominated government. 1969: Additional purges of Hutu from government and military. 1971: Power struggle within Tutsi elite, but no widespread violence.	Republic versus monarchy struggle within the Uprona in the National Assembly (Casablanca versus Monrovia factions, also Tutsi vs Hutu overtones). o First formalized distinction between ethnic political organizations, <sup>107</sup> though Uprona still multi-ethnic at this point in time. Tutsi elite and masses worried about example set by Rwandan Hutu Revolution/Social Revolution of 1959, feared similar dominance of Tutsi in Burundi. Consolidation of main power structures under Tutsi dominance - intensifying ethnic power rivalries, beginning to edge out republic/monarchy struggles by end of 1960s. o Tutsification of the army ("Bururification" of the officer corps) ( <b>major issue for several rebel groups later on</b> ). o After 1969 government reorganization, 7 out of 12 government ministers Tutsi; 6 of 8 provincial governments under Tutsi control; officers and enlisted in Army primarily Tutsi. Destruction of democracy. o UPRONA as <i>de facto</i> and then <i>de jure</i> single party. o Abolishment of parliament and establishment of the National Revolutionary Council (military rule). => Hutu belief that only way to end Tutsi domination was through armed rebellion.
1972	FAB JNR Hutu insurgents	Hutu insurgency launched in Hutu area on the border with Tanzania; once stopped by FAB and JNR, widespread repression and massacres of Hutu throughout the	Predominantly Hutu area – one of the few relatively homogenous areas in Burundi – more uneasy with Tutsi rule than other areas.

<sup>107</sup> Lemarchand 1996: 65.

<sup>108</sup> Lemarchand 1996: 100.

insurgency and subsequent massacres of Hutu, countrywide (1972 Genocide)	<p>country.</p> <ul style="list-style-type: none"> <li>April 9, 1972: Hutu insurgents (3,000 - 5,000) launched coordinated attacks against government posts and military installations in Imbo Plain, near Tanzania.</li> <li>○ Insurgents proceeded to kill “every Tutsi in sight,” and any Hutu who would not join the rebellion.</li> <li>○ Estimated 2000 – 3000 deaths.</li> <li>April 9, 1972: In retaliation, Burundi government officials execute <i>mwami</i> Ntare III.</li> <li>○ Repeat the purges of Hutu from government and military structures in wake of insurgency – almost all Hutu eliminated from the military.</li> <li>○ Government repression of coup plotters, Hutu politicians/elite and Hutu peasants.</li> <li>○ Firm establishment of Tutsi hegemony; further institutionalized minority rule.</li> </ul> <p>Insurrection ended within the week; retaliatory killings of Hutu lasted through August.</p> <ul style="list-style-type: none"> <li>○ Estimated 100 – 200,000 Hutu killed.</li> <li>○ Entire educated Hutu population killed or in exile.<sup>108</sup></li> </ul> <p>Mass refugee exodus into Zaïre and Tanzania; this refugee group has cohesive identity formed in the experience and memory of the genocide.</p> <p>1980: Palipehutu formed in Mishamo (Tanzania) refugee camp.</p>	<p>Area historically subject to social unrest: came under control of Tutsi monarchy only after 1918 arrival of Belgians; had been ruled by Hutu monarchs until then.</p> <p>Emerging Hutu middle class had been harassed and threatened by local Tutsi administrators in period preceding the insurrection.</p> <ul style="list-style-type: none"> <li>○ Arrests.</li> <li>○ Harassment of businesses and individuals.</li> </ul> <p>This cycle of events created a collective memory within the Hutu population (within Burundi and the refugee populations) of an ever-present fear of another holocaust.<sup>109</sup></p>
1976 FAB	Coup by Lt Col Jean Baptiste Bagaza begins the Second Republic.	Corruption and lack of institutionalization under Micombero government.
Coup – no violence	<ul style="list-style-type: none"> <li>○ Bagaza camp motivated to clean up the government.</li> <li>○ Created state with greater institutional coherence (and repressive capacity).</li> <li>○ Rhetoric of restoring national unity; reality of solidifying and extending Tutsi hegemony.</li> </ul>	Bagaza regime's attack on church and rabid secularization of politics had alienated many domestically and caused international legitimacy problems.

<sup>109</sup> Lemarchand 1996: 106.

		foreign aid, creating factionalism within the army.	Factionalism within the military.
1988	FAB Rwandan-Tutsi refugees	<p>Uprising and massacres similar to 1972, but confined to two communes in the north (Ntega and Marangara). Unlike 1972, this resistance is not organized; more spontaneous in nature.</p> <p>June 28: Inflammatory statements made by Uprona official with oblique references to 1972 massacres creates tensions in region; tensions increase through July.</p> <p>August 5: Gendarmerie brought in to patrol area; creates panic among Hutu.</p> <p>August 5 – 6: Hutu immediately organize self-defense units that destroyed several buildings; rising social unrest throughout the two communes.</p> <p>August 14: Appearance in Ntega of two Tutsi officials associated with 1972 massacres =&gt; explosion of violence and massacres of Tutsi.</p> <p>Buyoya regime responded by unleashing FAB, which attacked men, women and children indiscriminately. Approximately 15,000 deaths and 50,000 refugees fled into Rwanda.<sup>110</sup></p>	<p>Increasing entrenchment of Tutsi dominance.</p> <p>Systematic dispossession of Hutu of all political power, repression of political organization.</p> <p>Creation of education system that disadvantaged Hutu and prevented many from earning secondary education.</p> <p>Significant numbers of Rwandese Tutsi living in area (extreme anti-Hutu position).</p> <p>Lack of social infrastructure (health and education, especially), left over from Bagaza era.</p> <p>Un-representation of Hutu within Uprona party structures, despite Hutu candidate selection in party internal elections.</p>
1991	Palipehutu	<p>1988: Following the violence in the north, Buyoya initiated a liberalization program.</p> <p>1989: Attempted coup by Bagaza faction of military, unhappy with political reforms.</p> <p>Oct – Dec 1991: Hutu uprising, assisted by Palipehutu militants that mixed in with refugees returning from Tanzania, attacks Tutsi.</p> <p>November 1991: Large retaliations against Hutu by the army, police and the special forces of the FAB (the Brigade Speciale de Recherches) and elimination of Bagaza hardline faction within the military.</p>	<p>Factionalism within the military – Buyoya and Bagaza factions (clan politics, competition between patronage networks, disagreements over commitment to ideology of Tutsi hegemony).</p>
1993 – Assassination of President	FAB Uprona Frodebu	<p>1991 – 1993: Massive refugee returns from Tanzania, creating a gap between the needs of the returnees and the levels of assistance available to them.</p>	Unprecedented ethnic polarization – high levels of mistrust, fear and hatred firmly entrenched in both Hutu and Tutsi masses/peasants.

<sup>110</sup> Lemarchand 1996: 126.<sup>111</sup> Sullivan 2005: 86; Reytjens 2003: 13. According to Reytjens, the “Frodebisation” of government positions increased proportionate to distance from the national tier.

Ndadyaye and attempted coup	Palipehutu	<ul style="list-style-type: none"> <li>○ Palipehutu organization strong within this community.</li> <li>1992: Restrictions on political opposition lifted; Palipehutu recognized as an official/legitimate opposition party.           <ul style="list-style-type: none"> <li>○ Divisions emerge within Hutu organizations between those willing to cooperate with Buyoya regime (Frodebu) and those not (Palipehutu).</li> <li>June 1, 1993: Elections to finalize political transition and liberalization that had begun in 1988 following the massacres (Buyoya's "grand settlement" strategy).               <ul style="list-style-type: none"> <li>○ Frodebu, led by Melchior Ndadaye, wins in landslide (presidential and parliamentary elections).</li> <li>○ Immediate protests from Tutsi/Uprona, but no violence.</li> </ul> </li> </ul> </li> </ul>	Political transition and liberalization creating backlash from Tutsi elites and masses. <ul style="list-style-type: none"> <li>○ Educated classes and social elites threatened by transition initiated by Buyoya in 1988 (following the massacres).           <ul style="list-style-type: none"> <li>■ Perception that pace of reforms too fast, especially with respect to economic inequality and land reform.</li> <li>■ Prospect of losing civil service positions to Hutu. Both elite and masses fearful of future.</li> <li>■ Shift in distribution of national resources.</li> <li>■ Military transformation would remove the Tutsi's only protection from (expected) violent domination from the Hutu majority.</li> <li>■ Expectation of 200,000 returning Hutu refugees creating even more tensions among landowners and those fearful of job prospects.</li> </ul> </li> </ul>
		<ul style="list-style-type: none"> <li>July 1: Unsuccessful coup attempt (military).</li> <li>July 10: Government formed and Ndadaye inaugurated as President.           <ul style="list-style-type: none"> <li>○ Proportionality principle used in allocation of cabinet positions, 1/3 Tutsi, 2/3 Hutu.</li> <li>○ Parity principle applied less at local levels, where Hutu received a greater share of positions.<sup>111</sup></li> <li>○ Ndadaye began the process to reorient the role of the military, reducing its role in domestic politics, focusing the military externally, and establishing the gendarmerie as the only constabulary force.</li> </ul> </li> <li>October 21, 1993: Ndadaye and high-ranking Frodebu officials assassinated by Tutsi army officers in an</li> </ul>	<ul style="list-style-type: none"> <li>Military backlash to reforms.           <ul style="list-style-type: none"> <li>○ Corporate identity and interests of the military (almost entirely Tutsi at this point) threatened by reforms, particularly the initiative to create ethnic parity between Hutu and Tutsi.<sup>116</sup></li> </ul> </li> </ul> <p>Intense pressures from Hutu to address deeply entrenched socioeconomic inequalities.</p> <ul style="list-style-type: none"> <li>○ Hutu masses fearful of Tutsified military, which was heavily identified with acting as the custodian of the Tutsi ethnoracism and repeated brutalities against Hutu masses.</li> <li>○ After elections, Hutu demanding a larger share of resources and employment opportunities, putting</li> </ul>

<sup>112</sup> Bentley and Southall 2005: 51-2.

<sup>113</sup> Reytjens 2006: 117. "More or less as many Hutu as Tutsi."

<sup>114</sup> Sullivan 2005.

<sup>115</sup> According to Sullivan, "The Tutsi fear was that if control of the army were given to the Hutu, or even if a move were made in that direction, it would result in the 'Rwanda syndrome,' referring to the targeting and marginalisation of Tutsi by Hutu in Rwanda after they gained power in 1959" (2005: 86).

<sup>116</sup> "Entirely under the command of Tutsi officers, most of them from Bururi [a region within Burundi historically associated with internal power rivalries within the Tutsi community], and with only a fraction of Hutu among the troops, the army serves as the lynchpin of Tutsi hegemony... Given the extreme brutality displayed by the troops in 1988 and 1991, the Burundi army is obviously the institution least likely to tolerate a significant shift in the military and political power to the Hutu." (Lemarchand 1996: 168).

		<p>attempted coup.</p> <ul style="list-style-type: none"> <li>○ “Creeping coup” against Frodebu by Uprona and Tutsi militias overturned the nascent democracy.</li> <li>○ “Dead city” campaign in Bujumbura and other cities; Tutsi youth organizations barricaded towns and killed Hutus inside.<sup>112</sup></li> </ul> <p>1993 – 1994: Violence throughout country escalated.</p> <ul style="list-style-type: none"> <li>○ Inter-ethnic massacres; worsened by Rwandan genocide, April – July 1994. Estimates of 50,000 casualties.<sup>113</sup></li> <li>○ United Nations mediation effort, under SRSG Ahmedou Ould-Abdallah.</li> </ul> <p>January 1994: Power-sharing agreement signed between Uprona and Frodebu (Convention of Government).</p> <ul style="list-style-type: none"> <li>○ Buyoya retained the presidency.</li> <li>○ Political posts shared between Frodebu and Uprona.</li> </ul>	<p>pressure on Frodebu to deliver at local levels.</p> <ul style="list-style-type: none"> <li>○ Land reform pressures increasing.</li> </ul> <p>Returning refugees magnifying existing pressures from Hutu population, especially regarding service provision and land restitution.</p>
March 1994 - Huta Uprising and Civil War	Hutu resistance (Palipehutu and CNDD) FAB	<p>January 1994+ : Uprona and Frodebu in unstable power sharing governing coalition.</p> <p>March 1994: Unhappy with Frodebu and UN mediation efforts, Palipehutu and FROLINA returned to war.</p> <p>June 1994: Léonard Nyangoma broke away from Frodebu and established the CNDD, with the FDD as the armed wing.</p> <p>UN- mediated negotiations to create a new power-sharing arrangement ongoing throughout (November 1993 – September 1995)</p> <p>September 1994: Convention of Government signed;</p> <p>internal agreement between Frodebu and Uprona.</p> <p>1995: Violence escalates throughout the year; guerilla war throughout Burundi.</p>	<p>Role of Tutsified military main precipitant of this round of conflict. Hutu parties not aligned with Frodebu made several demands:</p> <ul style="list-style-type: none"> <li>○ Disband the Tutsi Army;</li> <li>○ Rebuild a national army; and</li> <li>○ Establish an international military force to end ethnic clashes.<sup>117</sup></li> </ul> <p>Intensified conflict throughout 1995 due to</p> <ul style="list-style-type: none"> <li>○ Over representation of Tutsi in coalition government created in January 1994, and the Abrogation of 1992 constitution.</li> </ul>
1996	FAB Multiple Huttu	<p>1996 – Arusha Talks begin attempt to negotiate a ceasefire; Tanzanian Julius Nyerere in position as lead</p>	<p>Inability of Convention government to end fighting and restore stability; loss of confidence of military.<sup>119</sup></p>

<sup>117</sup> Khadiagalia 2003.

<sup>118</sup> Khadiagalia (2003) reports the date as 24 July; Reyntjens lists it as 25 July (2006:118).

<sup>119</sup> According to Reyntjens (2006:117-118), when the army staged the coup and restored former President Buyoya to power, it merely confirmed “the existing situation” that the government had already collapsed, and had done so soon after the September 1994 agreement had been reached.

Coup	rebel groups: CNDD-FDD the largest	negotiator. June 1996; preliminary talks (mediated by Nyerere) failed. Talks resumed, end of June – July; focus on getting to a ceasefire and potential armed intervention in the conflict.	Hutu militants increasing their activities. Extreme position emerging that considered military victory the only way to obtain majoritarian democracy; Frodebu and parties cooperation with Uprrona considered to be appeasing Tutsi domination. <sup>120</sup>
		July 25, 1996; Pierre Buyoya (Uprrona) staged military coup with aim to restore order to Burundi; unseated the Frodebu-Uprrona coalition government. <sup>118</sup>	New Hutu refugees from Rwanda in Zaire and Tanzania brought extreme positions, recent memories of Tutsi domination, and weapons/arms supplies. Arusha plan's proposal for an intervention force in Burundi triggered the coup.
1996 – 2000	Multiple; NOT included: Arusha Peace Negotiations	Guerilla war throughout, ceasefire finally achieved in 2000 that ends most fighting. CNDD-FDD and Palipehutu-FNL continue fighting.	Palipehutu-FNL and CNDD-FDD not allowed into Arusha process until 1999; Nyerere excluded them due to their refusal to relinquish armed combat. Mandela invited Palipehutu-FNL and CNDD-FDD into the talks, but they refused.
November 2001		Transitional government inaugurated, to oversee 36 month period.	Hutu insurgency continues to be waged by several groups, Palipehutu-FNL and CNDD-FDD the largest.
2003	Government of Burundi CNDD-FDD	Ceasefire agreement with CNDD-FDD Palipehutu-FNL still fighting; mostly in rural areas around Bujumbura.	CNDD-FDD finally agrees to ceasefire contingent on revamping of power sharing arrangement and inclusion of CNDD-FDD into new military and government structures. Intensive pressure from South African negotiators. Positioning ahead of final transitional elections.
2005		Series of elections (February – August) ends transitional government; inaugurates new permanent dispensation. CNDD-FDD wins majority in National Assembly and local government elections, and (indirectly elected) Presidency (Pierre Nkurunziza).	
2006	Government of Burundi Palipehutu-FNL	Ceasefire agreement with Palipehutu-FNL o Does little to actually halt the fighting, however. Not implemented until after January 2009.	Delays in implementing ceasefire and continuing violence. Palipehutu-FNL unhappy with forced nature of the ceasefire; several main positions not included in the provisions. Government refused to take up the issues once the ceasefire was signed.
2010		Scheduled elections to national government, including direct presidential elections (July).	June 2009 Human Rights Watch report warns of possible election violence; centered on competition between FNL

<sup>120</sup> Bentley and Southall 2005: 55.

	(the renamed Palipehutu-FNL) and the ruling CNDD-FDD. <sup>[21]</sup>
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<sup>[21]</sup> “Pursuit of Power: Political Violence and Repression in Burundi.” Human Rights Watch, June 3, 2009. Available at [www.hrw.org/en/reports/2009/06/03/pursuit-power](http://www.hrw.org/en/reports/2009/06/03/pursuit-power) (accessed March 30, 2010).

## APPENDIX TWO: NEGOTIATIONS PERIODS

Dates	Negotiator(s)	Parties to the Talks	Goals/Strategy of Negotiation	Outcomes
<b>1993 – 1995</b>	<b>UN Auspices<sup>122</sup></b>			
November 1993 – January 1994	SRSG Ahmedou Ould-Abdallah	United Nations Frodebu Uprona	Devise short-term solution to the political impasse; end the fighting. Restore democratic institutions. Facilitate dialogue between parties. Establish a commission of inquiry into 1993 coup and massacres. Work with OAU intervention force.	Power sharing agreement, January 1994. Violence again in March 1994 – Hutu uprising.
Summer – Fall 1994	Ould-Abdallah	United Nations Frodebu Uprona	Negotiations for a new power sharing arrangement. Not substantive discussions of issues. Focus on establishing a provisional government to oversee a return to permanent civilian government.	Suspension of 1992 Constitution. Signing of new “Convention of Government” in September 1994. New power sharing formula: 55% Hutu, 45% Tutsi. Convention Government tasked with initiating public debate on meaningful peaceful coexistence and drafting a new constitution. Hutu resistance unhappy with overrepresentation of Tutsi and abrogation of 1992 Constitution (FRODEBU, esp). o Frodebu splits into factions: one that participates in the power sharing government (Frodebu) and one opposed to it (the CNDD under Léonard Nyangoma). Guerilla war escalates through 1995. Ould-Abdallah resigns, September 1995.

<sup>122</sup> See: Khadiagalia, 2003; Curtis 2007; multiple International Crisis Group reports.

Dates	Negotiator(s)	Parties to the Talks	Goals/Strategy of Negotiation	Outcomes
<b>Fall 1995 - 1996</b> Cairo, November 1995 Tunis, March 1996	<b>Carter Center Diplomatic Initiative</b> Elder statesmen from Africa (Ahmoud Toure, Mali; Desmond Tutu, RSA; Julius Nyerere, Tanz.)	Regional countries	Strategy to establish a regional framework to facilitate negotiations for peace and prevent the spread of war to neighboring countries.	No direct impact on fighting; but creation of regional framework to deal with cross-national effects of the conflict. Discussion of sanctions.
November 1995 Cairo Summit	Carter Center + Toure, Tutu, Nyerere	Burundi, Rwanda, Uganda, Tanzania	Not specifically about the conflict itself.  Focus on creating a regional consultative framework for conflict resolution.  Refugee repatriation.  Cross border raids.  Arms trafficking by militia groups in refugee camps in Tanzania and Zaire.	No direct impact on fighting.
March 1996 Tunis Summit	Carter Center + Toure, Tutu, Nyerere	Burundi government, Rwanda, Uganda, Tanzania	Debate for democratic constitution.  National reconciliation.  Security force reforms.	Burundi delegation pledged to end insecurity.  Julius Nyerere appointed lead of regional effort to mediate the conflict.
Dates 1996 – 2000	Negotiator(s)  <b>Regional Framework Arusha Talks</b> , supported by Western and UN preventative diplomacy, UN contingency plans for a use of force. Most of the talks facilitated by Julius Nyerere as the lead negotiator. Nelson Mandela finished the process following Nyerere's death in October 1999. <sup>123</sup>	Parties to the Talks	Goals/Strategy of Negotiation	Outcomes
March – April 1996 Mwanza Talks (Tanzania)	Nyerere, lead negotiator	Uprona Frodébu	Preliminary talks to establish dialogue with all parties.  FRODEBU and UPRONA disagreed over whether to include CNDD and other armed Hutu movements.	Collapsed with no agreement, June 1996.  UPRONA and military accused FRODEBU of complicity with CNDD attacks.
June 1996, 1 <sup>st</sup> Arusha Heads of State Summit  First in a series of regional summits (Arusha I)	Nyerere Benjamin Mkapa (President of Tanzania) Yoweri Museveni (President of Uganda)	Uprona Frodébu Smaller Hutu parties	Focus on technical issues of: - getting to a ceasefire to allow substantive talks; - regional security assistance; and - restore and prevent further violence.  Intervention a major aspect of the talks	Ended by coup on July 24, 1996, before an agreement had been reached.  Coup motivated by proposed intervention in the draft plan Sanctions imposed by regional actors subsequent to coup.  Relationship between Burundi and

<sup>123</sup> Main sources for this section: Khadiagalia 2003; Bentley and Southall 2005.

July 31, 1996, 2 <sup>nd</sup> Arusha Summit	Nyerere	Regional actors	Aim to reduce the intensity of fighting.	Tanzania sours.
April 1997, 3 <sup>rd</sup> Arusha meeting	Nyerere	Regional Actors	Regional conflict management effort.	<p>Decision to ease sanctions.</p> <p>Worsening relationship between Tanzania and Burundi weakened Nyerere's position as lead negotiator.</p> <p>Entire initiative collapsed after All Party Peace Conference in Arusha, lack of confidence in Nyerere.</p>
June 15-21, 1998, Fourth Arusha Talks <sup>124</sup>	Nyerere	<p>1) Regional actors</p> <p>2) 19 parties of the Burundi conflict (Khadiagala; ICG states 17)</p> <p>UPRONA</p> <p>FRODEBU</p> <p>CNDD</p> <p>Parena</p> <p>PL</p> <p>PTT</p> <p>PSD</p> <p>ABASA</p> <p>Inkinzo</p> <p>Avintwari</p> <p>PRP</p> <p>RPB</p> <p>Palipehutu</p> <p>Frolina</p> <p>3) Civil society</p>	<p>Technical committees formed to pursue agreements in five areas:</p> <ol style="list-style-type: none"> <li>1. Nature of the conflict</li> <li>2. Democracy and good governance</li> <li>3. Peace and security</li> <li>4. Reconstruction and economic development</li> <li>5. Guarantees for the application of a peace agreement</li> </ol> <p>Did not address regional sanctions (in effect since 1996).</p> <p>Not substantive negotiations; these committees tasked with setting the agenda for the next round of negotiations.</p>	<p>Power sharing agreement.</p> <p>Parallel negotiations conducted by RSA and Tanzania attempting to bring Palipehutu-FNL and CNDD-FDD into the process.</p> <p>No definitive progress in any of the committees towards concrete proposals – end of January 1999.</p> <p>Between Jan – Oct 1999, some progress: draft agreements on the formation of a democratic regime, electoral system for the future, and the establishment of a TRC.</p> <p>Refusal to allow CNDD-FDD and FNL into the negotiations (Nyerere's position) until they stopped fighting stalled progress on other issues.</p> <p>Nyerere's death, Oct 1999.</p>

<sup>124</sup> For a full description of these negotiations, see International Crisis Group, "Burundi's Peace Process: The Road from Arusha," ICG Burundi Report No. 2 (July 20, 1998).

		CNDD-FDD (broke away from CNDD in May 1998) PALIPEHUTU-FNL	Process focus to negotiations – emphasis on strict rules and deadlines. Transitional arrangements to be negotiated following this round of talks.	Arusha Accord for Peace and Reconciliation, August 28, 2000. - Not all key provisions accepted by all parties. - Accord reached without a ceasefire agreement with CNDD-FDD and the FNL.  This proved problematic later on as the two forces had to be brought into DDR provisions and upset the balances created by the Arusha Accords.
Dates	Negotiator(s)	Parties to the Talks	Goals/Strategy of Negotiation	Outcomes
Spring-Summer 2000, Fifth Arusha negotiations (most accounts list this as the last one)	Nelson Mandela leading regional negotiations process	All parties to the conflict, including CNDD-FDD and FNL.	Mandela's positions much more substantive than Nyerere's: - Amnesty and inclusion - bring FNL and CNDD_FDD into the process; - Integration of armed factions into multiethnic force; - Elections last, after Arusha negotiations discuss and settle issues; - Transitional regime should not exist longer than four years; - Leadership of transitional government should be determined by the Arusha talks; and - Property rights of returnees had to be dealt with.	Parallel negotiations on the technical issues of a ceasefire with CNDD-FDD and FNL, two tracks: 1. French, led by Gabon's Omar Bongo; and 2. English, led by Jacob Zuma and Mandela.

Dates	Negotiator(s)	Parties to the Talks	Goals/Strategy of Negotiation	Outcomes
September 15 – 16, 2003 <sup>125</sup> Dar Es Salaam Heads of State Summit	Regional heads of state: Thabo Mbeki Joachim Chissano Benjamin Mkapa Yoweri Museveni (Officially under auspices of Arusha process.)	CNDD-FDD Transitional Government of Burundi	Discussing conditions for a ceasefire between the CNDD and the FAB. Topics under discussion: 1. Military composition (ethnic), 2. Gendarmerie – role and status, 3. Establishment of a joint military force, and 4. Disarmament of militias and local defense units.	No compromises could be reached on any of these positions; talks broke down with no resolution.
October 8, 2003 First Pretoria Session	South African delegation	Transitional Government of Burundi FAB CNDD-FDD	Focus on issues outstanding from the Heads of State Summit in Dar es Salaam: 1. Political power sharing, 2. Defense power sharing, and 3. Security power sharing.	Agreed on the text of the Protocol on Political, Defence and Security Power Sharing in Burundi. Agreements on arrangements for power sharing in these three areas, but NOT implementation processes and methods were separately discussed as the Forces Technical Agreement. No agreement reached on immunity for returning CNDD-FDD members, the status of the CNDD-FDD as a political party, CNDD-FDD participation in the Senate, or the technical agreement on military forces.
November 2, 2003 Second Pretoria Session	South African delegation	Transitional Government of Burundi FAB CNDD-FDD	Focused on outstanding issues from the first Pretoria Session: immunity and the status of the CNDD-FDD as a political party.	Agreed on the text of the Protocol on Outstanding Political, Defence and Security Power Sharing Issues in Burundi.

<sup>125</sup> Boshoff and Gasana, 2003.

May - June 2006 Nqakula	South Africa; Charles Paiprehutu-FNL	Burundian Government Paiprehutu-FNL	<p>Discussion on the principles for negotiating a ceasefire.</p> <p>Issues pertaining to concrete objectives for the integration of the FNL into the defense and security services were taken off the table due to the intractability problems.</p>	<p>Agreement between Paliprehutu-FNL and the Government of Burundi (CNDD-FDD government) about principles that would guide future negotiations for a ceasefire.</p> <p>Basic principles:</p> <ul style="list-style-type: none"> <li>- Commission of experts to rewrite the history of Burundi;</li> <li>- Aspects of the truth and reconciliation process;</li> <li>- Provisional immunity for members of Paliprehutu-FNL;</li> <li>- Paliprehutu-FNL eligibility to register as a political party;</li> <li>- End to discrimination against repatriated populations; and</li> <li>- Participation, in principle, of Paliprehutu-FNL in the reform and modernization of the defense and security sector. No formula for this process devised.</li> </ul> <p>Ceasefire Agreement.</p> <ul style="list-style-type: none"> <li>- Set a date for the cessation of hostilities.</li> <li>- Created the Joint Verification and Monitoring Mechanism (JVMM).</li> <li>- Established an AU Special Task Force to protect FNL leaders and move FNL combatants to assembly areas (for disarmament and demobilization).</li> </ul>
June – August 2006				



## **APPENDIX THREE: PEACE AND CEASEFIRE AGREEMENTS**

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August 2000 – Arusha Peace and Reconciliation Agreement for Burundi – 19 signatories, no CNDD-FDD or Palipehutu-FNL (Arusha Accord)  
 October 2002 - Ceasefire with two small Hutu rebel groups  
 November 2003 – Global Ceasefire Agreement; between the Transitional Government of Burundi and the CNDD-FDD (Nkurunziza wing)  
 June 2006 – Agreement on Principles Towards Lasting Peace, Security and Stability in Burundi; between the Government of Burundi and the Palipehutu-FNL (Shorthand: FNL-CFA, FNL Cease Fire Agreement)  
 September 7, 2006 Ceasefire Agreement with Palipehutu-FNL  
 May 26, 2008 – reaffirmation of the FNL-CFA

### **Arusha Peace and Reconciliation Agreement for Burundi Signatories**

1. The Government of the Republic of Burundi,
2. The National Assembly,
3. The Alliance Burundo-Africaine pour le Salut (ABASA), G-10
4. The Alliance Nationale pour le Droit et le Développement (ANADDE), G-10
5. The Alliance des Vaillants (AV-INTWARI), G-10
6. The Conseil National pour la Défense de la Démocratie (CNDD), G-7
7. The Front pour la Démocratie au Burundi (FRODEBU), G-7
8. The Front pour la Libération Nationale (FROLINA), G-7
9. The Parti Socialiste et Panafricaniste (INKINZO), G-10
10. The Parti pour la Libération du Peuple Hutu (PALIPEHUTU), G-7
11. The Parti pour le Redressement National (PARENA), G-10
12. The Parti Indépendant des Travailleurs (PIT), G-10
13. The Parti Libéral (PL), G-10
14. The Parti du Peuple (PP), G-7
15. The Parti pour la Réconciliation du Peuple (PRP), G-10
16. The Parti Social-Démocrate (PSD), G-7
17. The Ralliement pour la Démocratie et le Développement Economique et Social (RADDES), G-10
18. The Rassemblement du Peuple Burundais (RPB), G-7
19. The Union pour le Progrès National (UPRONA), G-10

(G-10 are pro-Tutsi groupings ; G-7 are pro-Hutu movements. These were two of the three camps established during the Mandela phase of the negotiations. The third camp was the Moderate group, including the National Assembly)

## APPENDIX FOUR: COUPS AND COUP ATTEMPTS

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### **Successful Coups**

- 1966 → Captain Michel Micombero
- 1976 → Lt. Col. Jean Baptiste Bagaza
- 1987 → Major Pierre Buyoya
- 1996 → Pierre Buyoya

### **Unsuccessful Coup Attempts and Plots**

- October 1965 – Hutu politicians and gendarmerie
- September 1969 – suspected plot by Muramvya faction
- April 1972 – Hutu uprising
- March 1989 – by Bagaza faction of military
- March 1992 – Tutsi hardliners
- July 1993 – Tutsi military hardliners
- October 1993 – Frodebu uprising
- April 2001
- July 2001 – uncovered coup plot, foiled
- January 2010 - arrests of military officers for suspected coup plans

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